Women and the Rwandan Gacaca Courts: Gender, Genocide and Justice

BETHANY ANNE BREWER

Women and the Rwandan *Gacaca* Courts
Gender, Genocide and Justice

Beth Brewer

Abstract

This thesis examines the *gacaca* trials of women accused of involvement in the perpetration of the Rwandan genocide, paying particular attention to the role of ideas about their gender in this justice process. It uses court reports of the trials of ninety-one accused women; a set of sources that provides novel insights into the defences, testimonies, and agency of accused women in a transitional justice institution. Thematic, statistical, and close textual analysis of these sources reveal a tension in the relationship between *gacaca*'s stated aim of revealing the 'truth' of the genocide and its perpetrators, and the ability of accused women to use ideas about their gender to avoid facing punishment for charges of genocide. Members of local communities combined with this state institution to produce a state-authorised 'truth' narrative that ordinary Rwandan women were incapable of acting to perpetrate the genocide, and that those women who had participated were gendered anomalies. In doing so, the *gacaca* process failed to confront fully women's genocide involvement.

This analysis also identifies contradictions between accused women's agency in court and the wider assumption that women acting and speaking in such a public setting is automatically 'empowering'. Accused women often exerted agency through forms other than speech acts, including using silence to avoid generating knowledge of their genocide involvement. Where women's agency did come through speech, such speech acts often contributed to public narratives of women's inability to commit genocide, with individual women achieving successful trial outcomes through the denial of women's capacity to act. Additionally, accused women's forced participation in *gacaca* contributed to the legitimation of a punitive process that produced authority for the Rwandan regime, and that generated a version of the post-genocide state that exercised control over contemporary Rwandan women's behaviour.

Women and the Rwandan *Gacaca* Courts
Gender, Genocide and Justice

Beth Brewer

Thesis submitted for the degree of Doctor of Philosophy

Department of History

Durham University

2023

Table of Contents

List of Figures

List of Abbreviations

ASF	*Avocats Sans Frontières*
CDR	*Coalition pour la Défense de la République*
EPLF	Eritrean People's Liberation Front
ICTR	International Criminal Tribunal for Rwanda
MDR	*Mouvement démocratique républicain*
MRND	*Mouvement révolutionaire national pour le développement*
NGO	Non-governmental organisation
RISD	Rwanda Initiative for Sustainable Development
RPA	Rwandan Patriotic Army
RPF	Rwandan Patriotic Front
RTLM	*Radio Télévision Libre des Milles Collines*
UN	United Nations
USAID	United States Agency for International Development

Statement of Copyright

Acknowledgements

A thesis might appear to be a solo project; I am immensely grateful that mine was not. I wish to thank the Economic and Social Research Council, who funded this work through the Northern Ireland and North East Doctoral Training Partnership. Not only did their financial help make my postgraduate studies possible, but their training, events, and access to a community of like-minded scholars meant that I gained far more from this PhD than the findings of a research project. Their funding also allowed me to undertake a policy internship during my studies; I would like to thank colleagues at the Office of the Sentencing Council, who provided me with invaluable experience as a member of their Analysis and Research team.

I owe a great deal of thanks to several individuals who have supported me throughout this PhD. Firstly, to my supervisors: Justin Willis and Cherry Leonardi. From my first suggestion of this project back in my last year of my undergraduate degree, through to final submission, their generosity of advice, constructive feedback, and endless hours spent reading my work have allowed me to turn an idea into a thesis. I am immensely grateful for their insights, enthusiasm, and wisdom, as well as for their support as I managed the process firstly of continuing a PhD through a pandemic and its lockdowns, and then of restructuring a project that had been reliant on international fieldwork at a time when that stopped being possible.

Thanks are also due to staff in Durham's History Department whose advice, comments, support, and engaging conversations throughout my time at Durham have helped me develop both academically and personally. My thanks also to administrative staff in the department and at the university's library, who helped me to continue this project as it unexpectedly became a remote one.

Sometime around the UK's second national lockdown, it became apparent that my plans for fieldwork in Rwanda would not come to fruition, and the chances of completing this particular project looked increasingly slim. I am incredibly grateful to every researcher of the Rwandan genocide and *gacaca* who responded to my requests for help acquiring source material. Most notably, I owe a great deal of thanks to staff at *Avocats Sans Frontières*: without their generous provision of the organisation's court reports, this thesis would not exist in its present form.

My love for learning and research did not start at university. I wish to thank Diana Rose and the late Neil Young for spotting, supporting, and nurturing an inquiring mind; Evelyn Boast for her incredible French teaching; and Hester Eccles and Freddy Grogan for their advice on

my early attempts at writing essays and, most importantly, for their infectious enthusiasm for all things History.

I could not have completed this project without the support of some amazing people in my personal life. Friends from RMS, Grey, Hild Bede, DUWAFC, ARC, and other Durham and Manchester friends who do not fit neatly into categories and acronyms, have made this project not just possible, but worthwhile and even enjoyable. I cannot thank you all enough.

Above all, I wish to thank my family for their unwavering support and good humour throughout my education and extended stay at university. Thank you to my grandad, who has been so generous in his support throughout my schooling and multiple degrees: I promise I will get a proper job now. Thanks also to my sister, who has been there since the beginning and whose decision to nurse patients through a global pandemic certainly put any PhD-related difficulties into perspective. Finally, the biggest thanks to my parents, whose belief, support, and love have made everything possible. I hope you enjoy reading 100,000 words of history in return.

Introduction

> *Invitée à réagir sur ces allégations, elle affirme qu'elles sont fausses et sans fondement, parce que pendant le génocide, son mari n'était pas à la maison.*
> [Invited to react to these allegations, she affirms that they are false and unfounded, because during the genocide, her husband was not at home.][1]

One morning in April 2005, Agnès stood as an accused individual before a post-genocide *gacaca* court. She testified that she could not possibly have been involved in the Rwandan genocide of 1994 because her husband, the head of her household, was not at home to facilitate or consent to her involvement. How do we make sense of Agnès' choice to tell this story when on trial for genocide crimes in this justice system? Just as importantly, how do we make sense of the court's decision to acquit Agnès on the basis of this testimony?

Gacaca: Rwanda's post-genocide justice system

After the 1994 genocide, and in line with a growing international movement towards 'transitional justice' in post-conflict scenarios, the newly established Rwandan government, led by the Rwandan Patriotic Front (RPF), aimed to hold all those who were involved in perpetrating the genocide to account in courts of law.[2] This genocide had been conducted primarily by Hutus against the Tutsi ethnic minority and moderate Hutus, between April and July 1994. The United Nations established the International Criminal Tribunal for Rwanda (ICTR) in November 1994, but it aimed only to try the main instigators of genocide.[3] In August 1996, the Rwandan government passed a law regulating prosecutions for genocide, crimes against humanity, and other connected crimes. It established four categories of genocide crimes, which in 2004 were reduced to the following three categories: category one included instigating genocide, and sexual assault; category two encompassed killing and assault; and category three covered property-related offences.[4] National trials for genocide started in

[1] Avocats Sans Frontières (ASF), 'Observation des juridictions gacaca: province de la ville de Kigali: avril / 2005', *Unpublished monthly review* (2005), p. 6. All French has been left in its original form, irrespective of any language errors. All translations from French into English are my own.
[2] Bronwyn Anne Leebaw, 'The irreconcilable goals of transitional justice', *Human Rights Quarterly*, 30:1 (2008), p. 96.
[3] Susan Thomson and Rosemary Nagy, 'Law, power and justice: what legalism fails to address in the functioning of Rwanda's *gacaca* courts', *The International Journal of Transitional Justice*, 5:1 (2011), p. 16.
[4] William A. Schabas, 'Genocide trials and gacaca courts', *Journal of International Criminal Justice*, 3:4 (2005), pp. 884-5, 894.

December 1996. However, it became apparent that the existing court system was not sufficient to try all accused perpetrators.[5] To resolve this issue, the government stated that it would revive and adapt what it described as Rwanda's 'traditional' *gacaca* community justice system to implement justice relating to the genocide.[6] A pilot phase of post-genocide *gacaca* began in 2002, with the court system rolling out nationally in 2005 and concluding its work in 2012.

Post-genocide *gacaca* was a state-mandated, but locally situated, justice system. Its structure reflected the administrative structure that had been in place since Belgian colonial rule, which split the country into twelve provinces, those provinces into sectors, sectors into districts, and districts into cells.[7] Courts were divided into three levels: there were 9,013 cell courts, which were responsible for the pre-trial phase of collecting information as well as trying category three crimes; 1,545 sector courts, which tried category two crimes and from 2008 also category one crimes; and 1,545 courts of appeal.[8] Each *gacaca* court was scheduled to meet at least one day each week until all accused perpetrators in its jurisdiction had been tried.[9] Trials were commonly held inside local administrative offices or on areas of grass outside them.[10] In urban areas, there tended to be benches for all participants to sit on, while in rural areas the judges sat on benches and everyone else usually sat on the ground.[11] Seven civilians were elected from among the local community to form the bench of judges, at least five of whom needed to be present to preside over a trial.[12] The president of the judges convened and chaired sessions, while the secretary took minutes.[13] The government decreed that all adult members of the court's community should attend *gacaca* sessions and form the general assembly – or audience – although attendance varied across courts and dropped over time.[14]

In the absence of other evidence, spoken testimony played the crucial role in *gacaca* trials. During the pre-trial phase in the cell courts, members of the general assembly were invited to describe their experiences of the genocide. The judges used these testimonies to

[5] Thomson and Nagy, 'Law, power', p. 16.
[6] Urusaro Alice Karekezi et al., 'Localizing justice: gacaca courts in post-genocide Rwanda', in Eric Stover and Harvey M. Weinstein (eds.), *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (Cambridge, 2004), p. 71.
[7] Schabas, 'Genocide trials', p. 893.
[8] Hollie Nyseth Brehm et al., 'Genocide, justice, and Rwanda's gacaca courts', *Journal of Contemporary Criminal Justice*, 30:3 (2014), pp. 336-7, 349.
[9] Bert Ingelaere, *Inside Rwanda's Gacaca Courts: Seeking Justice after Genocide* (Madison, WI, 2016), pp. 27-8.
[10] Paul Christoph Bornkamm, *Rwanda's Gacaca Courts: Between Retribution and Reparation* (Oxford, 2012), p. 66.
[11] Ibid., p. 66.
[12] Ibid., p. 47.
[13] Ibid., p. 47.
[14] Ibid., p. 47; Ingelaere, *Inside Rwanda's Gacaca*, p. 67.

establish lists of cell residents who were accused perpetrators, and then they categorised the accused according to the severity of their alleged crimes.[15] Trials for genocide crimes then took place in cell or sector courts, depending on the category of crime. There were no lawyers. The precise structure of proceedings varied, but in a typical trial, the accused was summoned before the bench to give their defence statement and answer questions from the judges. Any civil parties, who were usually the victim or relatives of the victim, were able to give a statement. Witnesses were then invited to speak, before proceedings were opened to the general assembly for questions and comments.[16] The judges then deliberated privately, aiming to reach a consensus before returning with their verdict, but a majority decision was sufficient.[17] If they found the accused guilty, they passed a sentence in accordance with the government's *gacaca* law.[18] Those convicted could appeal, but this right was only guaranteed for category one and two crimes. Appeals hearings were held in appeals courts.[19]

Women on trial

Women were a significant minority of those put on trial in *gacaca*: they constituted 96,653 (9.6 per cent) of the 1,003,227 tried.[20] Existing research on *gacaca* has used observations, interviews, transcripts, and legal documents to consider how the environment and dynamics of *gacaca* courts functioned, as well as how accused individuals testified in these spaces.[21] However, despite the involvement of women in the genocide and their presence in this justice system, this existing research has focussed primarily on male defendants, and has not considered the potential role of gender in the process of defending oneself against charges of

[15] Phil Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers* (Cambridge, 2010), p. 76.
[16] Human Rights Watch, *Justice compromised: the legacy of Rwanda's community-based gacaca courts* (2011), p. 69.
[17] Clark, *Gacaca*, pp. 76-7.
[18] Bornkamm, *Rwanda's Gacaca*, p. 76.
[19] Human Rights Watch, *Justice compromised*, p. 20.
[20] Sara E. Brown, *Gender and the Genocide in Rwanda: Women as Rescuers and Perpetrators* (Oxfordshire, 2018), p. 93.
[21] For example: Jennie E. Burnet, 'The injustice of local justice: truth, reconciliation, and revenge in Rwanda', *Genocide Studies and Prevention*, 3:2 (2008), pp. 173-93; Clark, *Gacaca*; Susan Thomson, 'The darker side of transitional justice: the power dynamics behind Rwanda's "gacaca" courts', *Africa: Journal of the International African Institute*, 81:3 (2011), pp. 373-90; Kristin Doughty, 'Law and the architecture of social repair: *gacaca* days in post-genocide Rwanda', *Journal of the Royal Anthropological Institute*, 21:2 (2015), pp. 419-37; Emil B. Towner, 'Transcripts of tragedy and truths: an analysis of Rwanda's genocide trial documents', *Atlantic Journal of Communication*, 23:5 (2015), pp. 284-97; Anuradha Chakravarty, *Investing in Authoritarian Rule: Punishment and Patronage in Rwanda's Gacaca Courts for Genocide Crimes* (Cambridge, 2016); Mark Anthony Geraghty, 'Gacaca, genocide, genocide ideology: the violent aftermaths of transitional justice in the new Rwanda', *Comparative Studies in Society and History*, 62:3 (2020), pp. 588-618.

genocide in this environment. There has not yet been any research conducted on women's agency and testimonies when defending themselves against charges of genocide in *gacaca*, nor on whether and how ideas about gender played a role in this justice process.

Women's agency in periods of violence

It is increasingly argued in feminist scholarship that there is little evidence for women being inherently less violent than men; rather, the social construction of their gender, and the resultant gendered expectations in societies, mean that men more commonly act violently during periods of conflict.[22] Alongside this argument, there has also been growing scholarly recognition that women have indeed played a variety of violent roles in recent conflicts in places such as Colombia, El Salvador, Ethiopia, Guatemala, Liberia, Nicaragua, Peru, Sri Lanka, Uganda, and Vietnam.[23] Periods of war and violence have been theorised as moments that allow for the possibility of greater agency for 'ordinary' women due to the shifting of wider societal norms and structures.[24] Of course, this agency has often been expressed in the most violent and awful of ways; these periods have not been triumphal moments of women's empowerment. Nor have they all been equivalent to one another, morally or otherwise. Alette Smeulers' 2015 consideration of the role of women in periods of mass violence since Nazi Germany argues that more women than had previously been assumed have perpetrated violence in roles as silent bystanders, regime supporters, administrative personnel, profiteers, thieves, spies, killers, sex offenders, political leaders, and instigators.[25] Laura Sjoberg and Caron Gentry (2007; 2015) provide multiple examples of women's participation in episodes of political violence, including during the genocide in Bosnia.[26] In Africa, women took part in fighting during the Sierra Leone war, taking on armed roles that had been understood in Sierra Leonian society as male positions.[27] Women also played a significant role in the Eritrean People's Liberation Front's

[22] Miranda Alison, 'Women as agents of political violence: gendering security', *Security Dialogue*, 35:4 (2004), p. 445; Alette Smeulers 'Female perpetrators: ordinary or extra-ordinary women?', *International Criminal Law Review*, 15 (2015), p. 234.
[23] Megan MacKenzie, 'Securitization and desecuritization: female soldiers and the reconstruction of women in post-conflict Sierra Leone', *Security Studies*, 18:2 (2009), pp. 241-61; Smeulers, 'Female perpetrators', pp. 207-53; Caron E. Gentry and Laura Sjoberg, *Beyond Mothers, Monsters, Whores: Thinking about Women's Violence in Global Politics* (London, 2015).
[24] Annika Björkdahl and Johanna Mannergren Selimovic, 'Gendering agency in transitional justice', *Security Dialogue*, 46:2 (2015), p. 175.
[25] Smeulers, 'Female perpetrators', pp. 211-26.
[26] Laura Sjoberg and Caron E. Gentry, *Mothers, Monsters, Whores: Women's Violence in Global Politics* (London, 2007); Gentry and Sjoberg, *Beyond*.
[27] Chris Coulter, 'Female fighters in the Sierra Leone war: challenging the assumptions?', *Feminist Review*, 88:1 (2008), pp. 60-3.

(EPLF) decades-long fight for national independence. By the end of the war in 1991, women composed around one-third of the EPLF, and often took on armed roles alongside men.[28] Women who have taken part globally in periods of violence have not been sensational or extraordinary. Instead, just like those men who have participated, they have been 'ordinary' people who chose to commit violent acts during periods of conflict and societal upheaval.

Nevertheless, such perpetration of violence in global settings has not been free of cultural gendered constructions of women's identities. Cultural norms about gender have impacted how women participants have been perceived during and after warfare, limiting how they have been expected to act.[29] Women's participation has often taken a gendered pattern, with women commonly fulfilling non-combatant support roles to male combatant actors.[30] Post-conflict narratives of women combatants and perpetrators, told in global politics, policymaking, and media, have often focussed on these women's perceived motherhood, monstrosity, or deviance.[31] Eritrean women who fought for the EPLF were stigmatised by their communities upon their return from conflict, being seen as undesirable wives who were too independent and sexually free.[32] These narratives indicate that women have often faced repercussions for transgressing accepted gendered norms of peacefulness and domesticity by participating in violence. Yet, women have also used gendered norms to their advantage in periods of violence; for example, women suicide bombers in Sri Lanka have used expectations surrounding women's behaviour and clothing to gain access to targets.[33] These subversions of gendered behaviour show the continued cultural boundaries that women face during times of conflict, as well as the capacity of certain individuals to deploy these expectations to their advantage. Periods of violence globally have offered 'ordinary' women the possibility of exercising a type of agency that they would not otherwise have had during times of peace, but such agency has not been free of gendered constraints and expectations.

---

[28] Victoria Bernal, 'Equality to die for?: Women guerrilla fighters and Eritrea's cultural revolution', *PoLAR: Political and Legal Anthropology Review*, 23:2 (2000), pp. 61-3.
[29] Coulter, 'Female fighters', p. 63; Robin L. Riley, 'Women and war: militarism, bodies, and the practice of gender', *Sociology Compass*, 2:4 (2008), p. 1192; MacKenzie, 'Securitization', pp. 242-7.
[30] Alexis Leanna Henshaw, 'Where women rebel: patterns of women's participation in armed rebel groups', *International Feminist Journal of Politics*, 18:1 (2016), pp. 48-50; Smeulers, 'Female perpetrators', pp. 211-12; Gentry and Sjoberg, *Beyond*, pp. 137-8.
[31] Gentry and Sjoberg, *Beyond*, pp. 138-47; Kimberly Allar, 'Setting the picture straight: the ordinary women of Nazi Germany and Rwanda who participated in genocide', in Karen Auerbach (ed.), *Aftermath: Genocide, Memory and History* (Victoria, Australia, 2015), pp. 23-7; Sara E. Brown, '"They forgot their role": women perpetrators of the Holocaust and the genocide against the Tutsi in Rwanda', *Journal of Perpetrator Research*, 3:1 (2020), p. 158.
[32] Bernal, 'Equality', p. 61; Victoria Bernal, 'From warriors to wives: contradictions of liberation and development in Eritrea', *Northeast African Studies*, 8:3 (2001), pp. 137-8.
[33] Alison, 'Women', p. 456.

'Ordinary' women's participation in violence was not unique to Rwanda; rather, Rwandan women's participation fits into a wider and longer global story of women's agency in periods of armed conflict. Considering Rwandan women's violent agency within this context helps firstly to avoid sensationalising these women, seeing them instead not just as 'ordinary' Rwandan women but as 'ordinary' women – and 'ordinary' people – who chose to participate in violence. This lens also opens up an exploration of how the Rwandan genocide was a moment of rupture that provided an opportunity for Rwandan women to exert agency in new, violent, ways. This understanding then permits a discussion of how the occurrence of women's violence was treated in Rwandan society in the aftermath of the genocide, raising questions of how women's agency in the perpetration of genocide was considered in *gacaca*.

Rwandan women's genocide perpetration

There has been growing recognition in the scholarship that women played a variety of roles in the perpetration of violence during the Rwandan genocide, from inciting men to kill and betraying the hiding places of Tutsis, to participating in and instigating attacks and murders. The precise extent of women's involvement is difficult to determine, since the quantitative evidence available measures those women who were tried in court rather than directly measuring women's actions during the genocide. Such statistics nevertheless give an indication of the scale of women's involvement in the Rwandan genocide. 96,653 women are recorded as being tried in *gacaca* courts.[34] Hollie Nyseth Brehm et al. (2016) used a data file of approximately 60 per cent of *gacaca* cases to estimate that women were defendants in 5.5 per cent of category one cases; 5.5 per cent of category two cases; and 10.8 per cent of category three cases (the most common form of case).[35] These statistics show that women's participation in the genocide was a significant phenomenon and not simply limited to a few anomalous cases.

Although in the minority, some Rwandan women were involved in the planning, instigation, and leadership of genocide violence at both national and local levels. Forty-seven of the 2,202 suspects named by the Rwandan government for their leading role in the genocide were women.[36] For example, Rose Karushara, a councillor in Kigali, was convicted of ordering the killing of at least 5,000 Tutsis.[37] Sisters Gertrude and Kizito were nuns who were convicted

[34] Brown, *Gender and Genocide*, p. 93.
[35] Brehm et al., 'Age, gender', p. 731.
[36] Smeulers, 'Female perpetrators', p. 226.
[37] Adam Jones, 'Gender and genocide in Rwanda', *Journal of Genocide Research*, 4:1 (2002), p. 83.

in a Belgian court of collaborating with local genocide leaders, providing the fuel to burn Tutsis alive, driving over bodies of the dying, and betraying the location of Tutsis hiding in their monastery.[38] Pauline Nyiramasuhuko, former minister of women and family affairs, was found guilty in the UN's ICTR of overseeing the genocide in Butare, inciting Hutus to kill and rape Tutsis, and providing the militia with weapons.[39]

Much of the academic and media interest in these cases of women's genocide leadership has been due to the perception that these women's perpetration was sensational, extraordinary, and shocking. However, the unusual nature of their participation in the leadership of genocide owed much to the rarity of women holding such leadership positions in pre-genocide Rwandan society.[40] These women were not anomalous 'monsters' any more than men in these positions were. Yet, nor were they entirely 'ordinary' women who happened to have found themselves in leadership positions, since such roles were only open to a select few women of a certain demographic, and women who took on these roles in pre-genocide Rwanda had to be prepared to step outside Rwandan gender expectations when doing so.[41] It is hard therefore to draw conclusions about how their violent actions related to those of the greater proportion of women who took part in the genocide in non-leadership roles. Rwandan law meant that most instigators and leaders of genocide were charged with category one crimes and were predominantly tried in either Rwanda's national courts or international courts. Category one crimes only came under *gacaca*'s jurisdiction from 2008, and formed just 3 per cent of the total trials in *gacaca*.[42] It was unusual for women to have carried out these leadership roles in the perpetration of genocide, and for these women to have appeared before *gacaca*; the set of court reports that forms the principal source base for this thesis contains just two women who were convicted of category one crimes.

From court statistics, as well interviews with women participants, survivors, and members of local communities, the consensus in the scholarship is that most women participants did not physically attack or kill victims themselves, but rather acted in more 'supporting' or 'indirect' ways such as by revealing the hidings places of Tutsis, encouraging

[38] Max Rettig, 'Transnational trials as transitional justice: lessons from the trial of two Rwandan nuns in Belgium', *Washington University Global Studies Law Review*, 11:2 (2012), p. 366.
[39] Carrie Sperling, 'Mother of atrocities: Pauline Nyiramasuhuko's role in the Rwandan genocide', *Fordham Urban Law Journal*, 33:2 (2006), pp. 648-9.
[40] Ibid., p. 650.
[41] For more detail on women holding leadership positions in pre-genocide Rwanda, see *Chapter 4.*
[42] Nyseth Brehm et al., 'Genocide, justice', pp. 336, 340, 349.

men to participate, and looting the bodies and houses of victims.[43] Such crimes contributed to the perpetration of genocide and represented active decisions made by individuals to participate in violence. This pattern of participation reflected wider patterns of gendered differences in conflict roles globally, and suggests continued gendered expectations on Rwandan women's behaviour even during this period of moral upheaval when killing other human beings became seen as acceptable by many Hutus.[44] Much of the propaganda and institutions of genocide were gendered. Mobilisation attempts to encourage women's genocide participation were centred around the idea that women, as wives, mothers, daughters, and sisters, should play a supporting role to male killers.[45] Women were also not allowed to be members of the *Forces Armées Rwandaises* and *Interahamwe*, which were the main organised groups that conducted the killings.[46] Yet, although women's decisions to participate were constrained by gendered structures and expectations, these decisions also inherently acted against the gendered norms prevalent in Rwandan society. Any act of violence, however 'indirect', transgressed expectations of Rwandan women remaining in the domestic sphere and, above all, of femininity being inherently peaceful.[47] When women acted in 'supporting' or 'indirect' roles, they took active decisions to commit violence, and such actions had a complex relationship with Rwandan gender norms.

Furthermore, attacks and killings were not the sole domain of men. Cases in *gacaca* and the national courts, as well as interviews with women in Rwandan prisons, show that many women participated in these forms of violence and were convicted of these crimes. For example, twenty-seven women were convicted in *gacaca* in August 2009 of stoning Tutsis to death in a parish in Cyangugu.[48] Nicole Hogg's interviews with detained women in 2001 include examples of such violence, including a woman who admitted to killing her sister-in-law.[49] Erin Jessee similarly interviewed eight convicted women in 2007-8, including one who

[43] Nicole Hogg, 'Women's participation in the Rwandan genocide: mothers or monsters?', *International Review of the Red Cross*, 92:877 (2010), p. 70; Jones, 'Gender', p. 84; Nicole Hogg and Mark Drumbl, 'Women as perpetrators: agency and authority in genocidal Rwanda', in Amy E. Randall (ed.), *Genocide and Gender in the Twentieth Century: A Comparative Survey* (London, 2015), p. 189; Nyseth Brehm et al., 'Age, gender', pp. 731-5.
[44] For the Rwandan genocide as a period of moral upheaval, see: Lee Ann Fujii, 'Transforming the moral landscape: the diffusion of a genocidal norm in Rwanda', *Journal of Genocide Research*, 6:1 (2004), pp. 99-114.
[45] Hogg, 'Women's participation', p. 70; Brown, 'Female perpetrators', p. 454; Adam Jones, 'Gendering Rwanda: genocide and post-genocide', *Journal of International Peacekeeping*, 22 (2018), p. 217.
[46] Brown, *Gender and Genocide*, p. 95.
[47] Brown, 'Female perpetrators', p. 455; Lisa Sharlach, 'Gender and genocide in Rwanda: women as agents and objects of genocide', *Journal of Genocide Research*, 1:3 (1999), pp. 388, 397; Marie E. Berry, *War, Women, and Power: From Violence to Mobilization in Rwanda and Bosnia Herzegovina* (Cambridge, 2018), p. 79.
[48] Hogg and Drumbl, 'Women', p. 191.
[49] Ibid., p. 191.

had killed Tutsi women and children using household implements.[50] Women's participation in the genocide encompassed killing and serious assault, even if to a lesser extent than their male counterparts. This evidence gives insight, if incomplete, into how the genocide was a period where many 'ordinary' women across Rwanda exerted complex and varied violent agency.

Post-genocide reactions to women's perpetration

Despite their involvement in the violence, these women's actions went largely unacknowledged in the years immediately following the genocide, with women perpetrators seen as 'extraordinary' in a society that struggled to comprehend the possibility of ordinary women taking part in the genocide. Sara Brown (2018) contends that there was a 'gendered blindspot' towards women genocide participants in both Rwanda and the wider international community.[51] Although focussed on Tutsi women, a prominent narrative in Rwanda and in international scholarship, policy reports, and legal institutions was that women were victims of the genocide, especially of sexual and gender-based violence.[52] Within Rwanda but reflective of an international trope, there was also a narrative that women were natural peacebuilders. This narrative played a significant role in the post-genocide national drive to include more women in politics.[53] Analysis of existing research shows that this reluctance to acknowledge ordinary women's capacity to have committed violence during the genocide, and instead focus on their victimhood and peacefulness, meant that women who had taken part in the genocide went largely unacknowledged in post-genocide Rwandan society. This research also indicates that, where they were identified publicly, women perpetrators faced heightened societal stigma and were seen as 'extraordinary' due to their perceived gendered transgressions.

Many women were able to use this societal reluctance to acknowledge women's genocide participation to their advantage in the immediate post-genocide period. Most

[50] Erin Jessee, 'Rwandan women no more: female *génocidaires* in the aftermath of the 1994 Rwandan genocide', *Conflict and Society: Advances in Research*, 1 (2015), pp. 67-8.
[51] Brown, *Gender and Genocide*, pp. 123-4.
[52] Erin Jessee, 'Women and genocide in Africa', *Oxford Research Encyclopedia of African History* (2020), p. 2. For examples of this narrative, see: Christopher C. Taylor, 'A gendered genocide: Tutsi women and Hutu extremists in the 1994 Rwanda genocide', *PoLAR: Political and Legal Anthropology Review*, 22:1 (1999), pp. 42-54; Human Rights Watch/Africa et al., *Shattered lives: sexual violence during the Rwandan genocide and its aftermath* (1996); Jonneke Koomen, '"Without these women, the tribunal cannot do anything": the politics of witness testimony on sexual violence at the International Criminal Tribunal for Rwanda', *Signs*, 38:2 (2013), pp. 253-77.
[53] Peace Uwineza and Elizabeth Pearson, 'Sustaining women's gains in Rwanda: the influence of indigenous culture and post-genocide politics', *Hunt Alternatives Fund: The Institute for Inclusive Security* (2008), pp. 15-16; Berry, *War*, p. 79.

continued to live in their communities after the genocide; only around 3,000 women were detained in prisons on suspicion of genocide involvement in 2004, compared to the 96,653 who were eventually tried in *gacaca*.[54] Brown (2018) describes women perpetrators who resumed their pre-genocide lives as an 'open secret', contending that local communities knew about them and their crimes, but that they were rarely recognised publicly.[55] It should also be considered that many women's crimes, especially those that took place in domestic spaces or without witnesses, might simply have been unknown to members of their communities. Many of Brown's interviewees had resumed their pre-genocide lives before being accused in *gacaca*. 'Deena' returned to raising her children, farming her land, and attending church on Sundays, describing the period as being 'like normal life again. I wasn't scared, I was there until when this whole *Gacaca* case came up.'[56] Deena's admission of not being scared suggests that she believed her crimes would remain unacknowledged indefinitely. Brown also interviewed 'Julie', whose husband had been imprisoned at the end of the genocide while she continued to live in her community. Julie admitted to being surprised when she was accused in *gacaca* because she had assumed that her crimes had been forgotten.[57] The differences between Julie and her husband's post-genocide lives cannot be linked with certainty to gender alone; Julie's husband might simply have committed a crime with more witnesses and about which the Rwandan authorities were aware. Nevertheless, this case provides a striking example of a husband and wife being treated differently in the aftermath of genocide based on differing assumptions of guilt. Most women who participated in the genocide returned to live, publicly unaccused, in their communities in the years following the genocide.

In contrast, there is evidence that those women who were publicly associated with the genocide faced significant stigma, which was often heightened due to their gender. Jessee (2015) interviewed eight convicted women, who claimed that they had been abandoned by their family members. This situation contrasted with that of the convicted men she interviewed, who reported being visited by relatives and receiving gifts from them.[58] The women interviewed explained this abandonment by attesting that they were now seen as monsters, as well as bad wives and mothers.[59] Jessee detailed an interview with 'Devota', a poor, rural farmer who had been convicted of killing Tutsi women and children in *gacaca*. Devota said that when rumours

[54] Brown, *Gender and Genocide*, p. 126.
[55] Ibid., pp. 124-5.
[56] Cited ibid., p. 126.
[57] Ibid., pp. 127-8.
[58] Jessee, 'Rwandan women', p. 69.
[59] Ibid., p. 69.

of her participation circulated her community, people avoided her in the street and stopped buying her produce. Devota also raised a gendered aspect to her experience, stating that as a result of her imprisonment, she was no longer Rwandan nor a woman.[60] Her claim suggests that her violent actions during the genocide contradicted Rwandan ideas about femininity to such an extent that her community viewed her as a gendered anomaly and treated her as an outcast. It might be the case that Devota was choosing to deploy the concept of gender to present a heightened account of the hardships she was facing in the post-genocide period and to elicit sympathy from her interviewer. Even if this were the case, her choice to present her story in such a gendered way is revealing in itself. Her claim of the erosion of her female identity speaks to her situation within a society in which people struggled to comprehend the possibility that women were capable of committing genocide violence. Where women were believed to have acted violently, the existing evidence suggests that they were more harshly stigmatised within their communities than their male counterparts, on the basis that their crimes contradicted fundamental beliefs about the nature of Rwandan womanhood.

The two opposing situations of women who continued to live in their communities without their crimes being publicly acknowledged, and of imprisoned women who faced a heightened gendered stigma, both reflected, and stemmed from, a reluctance in Rwandan society to confront ordinary women's capability of participating in this violence. Such a finding is significant in the study of women's *gacaca* trials as it reveals that accused women entered courts in local communities that struggled to comprehend that ordinary women could be violent, and that often stigmatised the 'extraordinary' women genocide participants about whom they were aware.

Ultimately, despite women's involvement during the genocide, the gendered dynamics of women's post-genocide lives, and women's presence in this justice system, there has not yet been any research conducted on accused women in *gacaca*, nor on the potential role of gender in their trials. It should be questioned whether, around a decade after the genocide, the *gacaca* process brought women's agency in the perpetration of genocide into public knowledge and forced Rwandan communities to reckon with women's capacity for violence, as well as whether pre-existing ideas about women's peacefulness, agency, and violence entered these trials.

Some existing statistical research suggests that women, as a group, received more favourable sentencing outcomes in *gacaca* than men, underlining how gender is a necessary

[60] Ibid., pp. 67-8.

analytical lens through which to approach *gacaca* trials. Nyseth Brehm et al. (2014) have found that men received life sentences for category one and two crimes at higher rates than women.[61] A higher percentage of men received fines for category three crimes, and the median fine value was 5,000 RWF for convicted women compared to 7,480 RWF for convicted men.[62] Statistical evidence alone cannot reveal why such discrepancies in sentencing outcomes existed, including whether there were other confounding variables such as the types of crimes for which men and women were on trial. Nevertheless, these data provide further justification for a close consideration of women's trials, including whether and how ideas about their gender impacted them.

Interviews and court testimonies as historical sources

The existing research on Rwandan women's genocide participation has drawn largely upon interview evidence. This thesis instead turns to women's *gacaca* trial reports and testimonies as its principal evidence base when considering women's stories of genocide involvement. Initially, to achieve this project's aim of considering women's trials and women's decisions to act and testify in certain ways in *gacaca*, I had planned to travel to Rwanda to access court transcripts housed in the genocide archives in Kigali. My initial research methodology had also involved conducting interviews with women and other participants in their trials. However, when the COVID pandemic hit in 2020 and continued into 2021, it became apparent that conducting fieldwork in Rwanda during the timescale of this project was no longer realistic. As a result, and in an attempt to continue with a project that would answer my research questions, I contacted several other researchers of the Rwandan genocide, *gacaca*, and women perpetrators, to ask whether any of them had primary sources related to accused women and their trials that I could access for this project. Ethical problems related to personal data sharing meant that most researchers I spoke to could not share any court notes or interview evidence with me. Yet, staff at the Belgian organisation *Avocats Sans Frontières* (*ASF*) kindly shared with me their database of court reports. Observers from the organisation had watched and recorded trials in sector and appeals *gacaca* courts across Rwanda between 2005-9, as part of *ASF*'s *gacaca* monitoring missions. Court reports from the trials of ninety-one accused women contained within this database form the principal primary source base for this thesis, and

[61] Nyseth Brehm et al., 'Genocide, justice', p. 345.
[62] Ibid., p. 345.

allowed the project to continue despite the impacts of the pandemic. Necessarily, some of the project's initial research questions had to be adapted as a result of this change in methods; specifically, the inability to conduct interviews. Most notably, the project in its present form does not seek to consider women's reported experiences when on trial, nor their stated motivations for choosing to act and testify in certain ways.

Before turning to the *ASF* source set in detail, it is worth unpacking the particular historical significance of court sources, to consider the novel questions that women's trial reports raise despite their apparent similarity to the interview evidence used previously. Interviews provide access to the stories that women chose to tell researchers of their genocide involvement rather than to their agency during the genocide. Similarly, accused women's court testimonies provide evidence for how they chose to tell their stories of genocide culpability when on trial in *gacaca*, and cannot be used as conclusive historical evidence for how they acted in 1994. Yet, the environment of a *gacaca* court meant that women's testimonies in these spaces were constructed differently from interview testimonies, took on different significance in Rwandan society once told, and speak to different questions about the nature of women's agency and speech acts in public spaces.

Court and interview testimonies undoubtedly share similarities. Despite being modes of self-presentation, both are inherently collaborative and not solely reliant on the voice and agency of the person who is telling their story. The interview involves the cocreation of a story between interviewer and interviewee.[63] It is a conversation between two people that generates a narrative of actions and motivations. Both parties enter the interview with their own agenda: the interviewer with their research aims, and the interviewee with their desire to convince the interviewer of the truth of their story and present a certain version of themselves.[64] This negotiation and cocreation of a narrative also happens to some extent in a court environment. A trial is a form of interaction, where past events are narrated and contested, and where parties can respond to each piece of evidence presented.[65] Accused individuals are subject to questioning. They speak to an audience and adjust their testimony according to their beliefs about the attitudes and expectations of that audience, with the aim of having their story believed. In comparison to the interview, however, these trial interactions tend to be more

[63] Erin Jessee, 'The limits of oral history: ethics and methodology amid highly politicized research settings', *The Oral History Review*, 38:2 (2011), p. 289.
[64] Ibid., p. 293; Alessandro Portelli, 'Living voices: the oral history interview as dialogue and experience', *The Oral History Review*, 45:2 (2018), p. 240.
[65] Nicole Bögelein et al., 'Courtroom ethnography in the context of terrorism: a multi-level approach', *International Journal of Qualitative Methods*, 21 (2022), pp. 3, 5.

antagonistic. Opposing sides often do not converge on one singular version of events. This antagonism means that there is a tension between the potential for continued disagreement between actors after the end of the trial, and the status that the court's verdict gains as the final judgement on the events in question.

Both forms of self-presentation take place in contexts with at least some degree of risk for the speaker, especially in Rwanda. This danger is, however, present to differing degrees across the two spaces. In interviews, it is found implicitly but is always present: interviewees can never completely be certain that full confidentiality will be maintained, nor that they will have full safety when making disclosures. In Rwanda, state surveillance of research has been extensive, and the government is opposed to any narratives that contradict its version of the genocide.[66] Jessee (2011) writes of having to resist pressure to hand over interview notes and names of interviewees to Rwandan authorities.[67] This pressure means that interviewees speaking against the government face danger if confidentiality is broken. Yet, the threat of punishment for the speaker is present far more explicitly, immediately, and to a greater extent in court. This threat raises important historical questions about what Rwandan women have chosen to say when facing the prospect of imprisonment for their alleged genocide actions. Since courts tend to be places where accused individuals deny responsibility for actions, court reports are not obvious places to search for evidence of agency. Such denials of agency, however, constitute forms of agency in themselves, which in turn reveal much about the relationship between women's voices, agency, and 'empowerment' in these types of public environments.

Regarding the public nature of courts, this aspect is one of the most significant distinctions between these two modes of self-presentation. The particular and novel public nature of *gacaca* – which will be discussed in more detail in *Chapter 2* – is also an important part of what makes Rwandan women's *gacaca* testimonies such a distinct and vital historical resource. Women not only gave testimony in a dangerous public setting in which they faced the prospect of imprisonment, but these testimonies also contributed to the public record and set of 'truths' that the state was generating about the genocide. Women's *gacaca* testimonies therefore differed significantly from women's interview discussions in the way that they both contributed directly to the regime's 'truth' generation of the genocide, and also complicated it.

[66] Cyanne E. Loyle, 'Overcoming research obstacles in hybrid regimes: lessons from Rwanda', *Social Science Quarterly*, 97:4 (2016), p. 925.
[67] Jessee, 'Limits', p. 297.

A novel evidence set of women's trials

Except for reports from 2008, which at the time of writing are available to view on *ASF*'s website, the organisation's court reports remain unpublished and were sent to me in electronic form, to use on the condition that all names mentioned in the reports are changed.[68] *ASF*'s reports include those from the trials of ninety-one accused women, which have been extracted to form the principal source base for this thesis. Nobody has conducted research using this set of reports of women's trials before. It provides new and important insights into women's complex and varied trials, testimonies, and defences, as well as into the narratives that *gacaca* courts constructed about women's involvement in the genocide.

ASF is a non-governmental organisation (NGO) established in Belgium in 1992, which describes itself as 'specialising in defending human rights and supporting justice'.[69] The organisation states that it carries out three main forms of activities: the provision of legal aid services; capacity building, including the training of lawyers and the observation of trials; and advocacy work.[70] *ASF* had a presence in Rwanda starting from 1996 and undertook multiple activities, such as providing judicial assistance to victims and accused parties who appeared before the national courts in genocide trials; undertaking a consideration of the issue of reparations for genocide victims; analysing and publishing case law; training *gacaca* judges; and observing and reporting on *gacaca* trials.[71]

ASF observers used their observations of trials to produce monthly reviews of the *gacaca* process, which they used as the basis for monitoring reports that they published around once a year. These observers were Rwandan jurists who were trained in the techniques of judicial monitoring, the rules governing the *gacaca* process, and international principles of the right to a fair trial.[72] *ASF*'s final monitoring report, covering the period from January 2008 to March 2010, gives some detail of its methodology and aims. During each trial observation, the observer took notes on the content of the trial and judgement. They then translated their notes from Kinyarwanda into French and transcribed them into court reports. Their reports were subsequently compiled into monthly reviews by province. As well as the court reports that form

[68] ASF, 'Search: gacaca', <https://asf.be/?s=gacaca> (accessed 24.2.2022).
[69] ASF, 'Mission and vision', <https://www.asf.be/about-asf/mandate-vision/> (accessed 7.6.2021).
[70] Ibid.
[71] ASF, *Monitoring des juridictions gacaca. Phase de jugement. Rapport analytique n° 3. Octobre 2006-avril 2007* (2007), p. 7.
[72] Ibid., p. 5.

the principal evidence base for this thesis, these reviews also include analytical commentaries on the trials that had been observed. *ASF* details that each of these monthly reviews was read over by another member of the monitoring team with the aim of reducing as much as possible the subjective nature of the work.[73] Nevertheless, despite this stated aim, the individual observer can never completely be erased from the final review produced. Each observer will have had a unique transcribing style, and will have made choices about which aspects of each trial they would record and how they would translate their notes. However, due to *ASF*'s desire to maintain the confidentiality of those involved in the monitoring process, the precise identities of individual observers are unknown, and it cannot be discerned which reports were written by whom.

The precise structure and format of the monthly reviews vary, but a typical structure is as follows. A review begins with introductory information, including which province was observed, how many accused individuals were on trial that month, whether any were women or minors, how many pled guilty, and a summary of the penalties given. Next, is a legal commentary relating to how well the observer judged that the jurisdiction had upheld international principles of law and human rights. Then, forming the main section of the review, are reports for each session observed. For each court report, there is an introduction detailing where and when the session was held, who the accused individuals were, and the composition of the bench. Following this introduction is a detailed recording of the trials held that day, specifying which actors spoke, in what capacity or role they did so, and providing summaries – and in some instances quotations – of what they said. These reports also contain the verdicts and sentences pronounced by the bench. Each review ends with a summary table of the observed trials that month, detailing who was accused, of what crimes, who the named victims and witnesses were, any accomplices, whether there was a guilty plea, what the outcome of the trial was, and whether a convicted individual had already served time towards their final sentence.

The sources, of course, have limitations that must be taken into consideration. The translation process from Kinyarwanda to French means that there is the potential for translation problems and errors to have occurred, and that the court reports do not give access to trial participants' original words. The nuances of participants' language choices therefore cannot always be analysed in this thesis. The reports do not record every word that was spoken in

[73] ASF, *Monitoring des juridictions gacaca. Phase de jugement. Rapport analytique n° 5. Janvier 2008-mars 2010* (2010), pp. 10-11.

women's trials, nor every non-verbal action that was undertaken. It would be unrealistic, if not impossible, for them to do so, but they need nevertheless to be analysed with an understanding that observers selected certain aspects of trials to record over others. As well as differences between the choices made by individual observers, these reports emerged from a judicial monitoring mission that had an explicit aim of improving *gacaca* according to a 'western' set of beliefs about judicial standards. Monitoring teams produced these reports as evidence for *ASF*'s recommendations for how *gacaca* should be improved. Nevertheless, despite these limitations, the reports were produced by legally trained observers whose aim was to record primarily the legal aspects of trials. *ASF* observers' role was to capture the legalities, arguments, and narratives of cases, rather than simply 'soundbites' or 'sensational' moments. The content of the reports, and their level of detail, clearly reflect the observers' interest in the argumentation of cases, including what defence and accusation narratives were deployed; the arguments of witness testimonies; and how judges spoke to participants and delivered verdicts. The reports contain a high level of detail – including quotations from testimonies – permitting both close analysis of women's testimonies and a broader thematic analysis of the evidence set. This style makes the *ASF* report set a valuable evidence base with which to analyse accused women's testimonies and defences, as well as the narratives that *gacaca* courts constructed about women's involvement in the genocide.

Additionally, it is hard to ascertain from this evidence set what impact the presence of an *ASF* observer had on the trials they observed. No information is known about the observers other than their Rwandan nationality and roles as jurists, including whether they were men or women and whether they had any ties to the communities they observed. It is also not known how observers were positioned in court; how they were perceived by participants; nor whether participants altered their behaviour due to the presence of an observer. It is, however, unlikely that *gacaca* sessions were significantly modified, nor individuals' behaviour significantly changed, by the presence of an *ASF* observer. It was not unusual for *gacaca* courts to be observed. The reports commonly record the presence of observers from other monitoring organisations, and academic researchers and government officials also often observed trials.[74] The presence of a further observer from *ASF* was unlikely to have altered too much the dynamics of courts that commonly faced observations of some form. Crucially, those who spoke in *gacaca* still faced the fundamental task of telling their stories of events to a court composed of members of their local community. Neither this fundamental nature of *gacaca*,

[74] For the presence of government officials at trials, see: Thomson, 'Darker side', pp. 379-80.

nor what it meant to face the prospect of punishment for genocide crimes in this space, was altered by the presence of *ASF* observers.

The sample: ninety-one women's trials

The source set provides a novel, extensive, and detailed sample of women's trial reports, allowing new insights to be generated about women's *gacaca* trials and the potential role of gender in this process. The ninety-one women's trial reports provide a sample that covers a range of alleged accusations. The sample also covers a significant time period of *gacaca*'s operation and a broad geographical range of courts across the country.

It was, unsurprisingly, beyond the scope of the *ASF* monitoring missions to observe every *gacaca* trial that occurred in Rwanda. *ASF*'s monitoring reports set out the selection criteria that it used to determine which trials to observe. Linked to their judicial monitoring aims, the organisation decided to observe only sector and appeals courts, due to these jurisdictions being responsible for judging those accused of category one and two crimes and therefore having the capacity to impose prison sentences.[75] Category three crimes, tried in cell courts, were mostly punished with financial penalties.[76] As a result of this focus, there are no court reports in this sample from cell courts. Instead, seventy-eight of the women (86 per cent) were observed in sector courts, and the remaining thirteen (14 per cent) were in courts of appeal. For all but four women, the *ASF* observer recorded the category in which their file had been placed. Of these eighty-seven women, eighty-two (94 per cent) had their file placed in category two. Two women (2 per cent) were accused of category one crimes, and three (3 per cent) were accused of category three crimes; these category three trials were heard in appeals courts.[77]

This focus on sector and appeals courts might, at first, seem to limit the scope of the thesis. However, since category two crimes encompassed killing and assault, the evidence set provides a significant source base of women who were accused of violence against other humans. It therefore allows a consideration of whether and how these courts confronted the violent agency of women during the genocide. Furthermore, even when on trial in these courts,

[75] ASF, *Monitoring des juridictions gacaca: phase de jugement: rapport analytique: mars-septembre 2005* (2005), p. 6.
[76] Barbara Hola and Hollie Nyseth Brehm, 'Punishing genocide: a comparative empirical analysis of sentencing laws and practices at the International Criminal Tribunal for Rwanda (ICTR), Rwandan domestic courts, and gacaca courts', *Genocide Studies and Prevention: An International Journal*, 10:3 (2016), p. 71.
[77] Where percentages do not total 100, this is because individual percentages have been rounded to the nearest whole number.

many women also faced secondary charges of committing crimes against property. If on their own, these crimes would have been classified as category three crimes; they were simply listed within case files that also had category two crimes, and were judged together in one trial. The evidence set thereby gives access to the trials of women who were accused of a variety of forms of genocide involvement.

Chronologically, the total length of the *ASF* monitoring missions means that the report set covers a significant section of the *gacaca* process's timeframe. Although *gacaca* started in its pilot form in 2002 and continued until 2012, the majority of trials were conducted after the process rolled out nationally in 2005, and most jurisdictions finished their work by 2010.[78] *ASF* monitored trials from 2005-9; the report set is not a sample covering only one chronological moment in the *gacaca* process, but rather covers most of the main period of *gacaca*'s operation. *Figure 1* shows the number of women's trials observed each year by *ASF*.

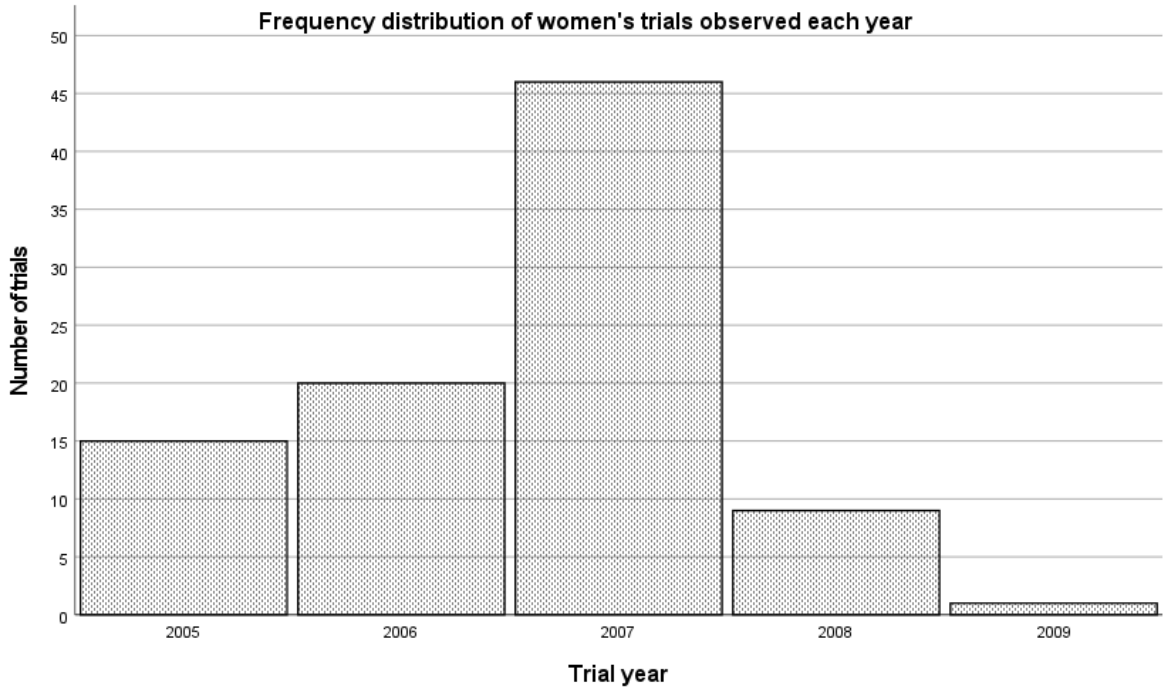

Figure 1: Frequency distribution of women's trials observed each year

In the set of ninety-one women's trials, fifteen were observed in 2005, twenty in 2006, forty-six in 2007, nine in 2008, and one in 2009. This sample allows the thesis to consider women's trials in *gacaca* as an ongoing process rather than a singular event.

[78] Geraghty, 'Gacaca', p. 590.

Geographically, *ASF* aimed to observe trials across the entire country.[79] Before 1 January 2006, Rwanda was composed of twelve provinces. Each province was an administrative unit that was divided further into sectors, districts, and cells. From this date onwards, the country was restructured administratively into five provinces. However, *gacaca* courts kept the administrative system of the former provinces; these are the names by which the reports and this thesis refer to provinces.

During the mission from March to September 2005, *ASF* aimed to observe most of the 118 pilot sector and appeals jurisdictions, and it chose to follow some of these courts in its second mission, from October 2005 to September 2006, to see how they had developed over time.[80] From the second mission onwards, once *gacaca* courts were in operation across the country, the organisation aimed to make observations each year in all twelve former provinces. Some jurisdictions, however, finished their work before others and so the geographical spread available for observations reduced towards *ASF*'s later missions.[81] To achieve this geographical spread, the teams aimed to conduct concurrent observations in jurisdictions across five to eight provinces, following each jurisdiction for at least one month before changing observation sights.[82] *Figure 2* shows the number of women's trials observed by *ASF* in each province.

[79] ASF, *Rapport analytique nº 5*, p. 11.
[80] ASF, *Monitoring des juridictions gacaca. Phase de jugement. Rapport analytique nº 2. Octobre 2005-septembre 2006* (2006), p. 10.
[81] Ibid., p. 11.
[82] ASF, *Rapport analytique nº 2*, p. 11; *Rapport analytique nº 3*, p. 14; *Monitoring des juridictions gacaca. Phase de jugement. Rapport analytique nº 4. Mai-décembre 2007* (2007), p. 7.

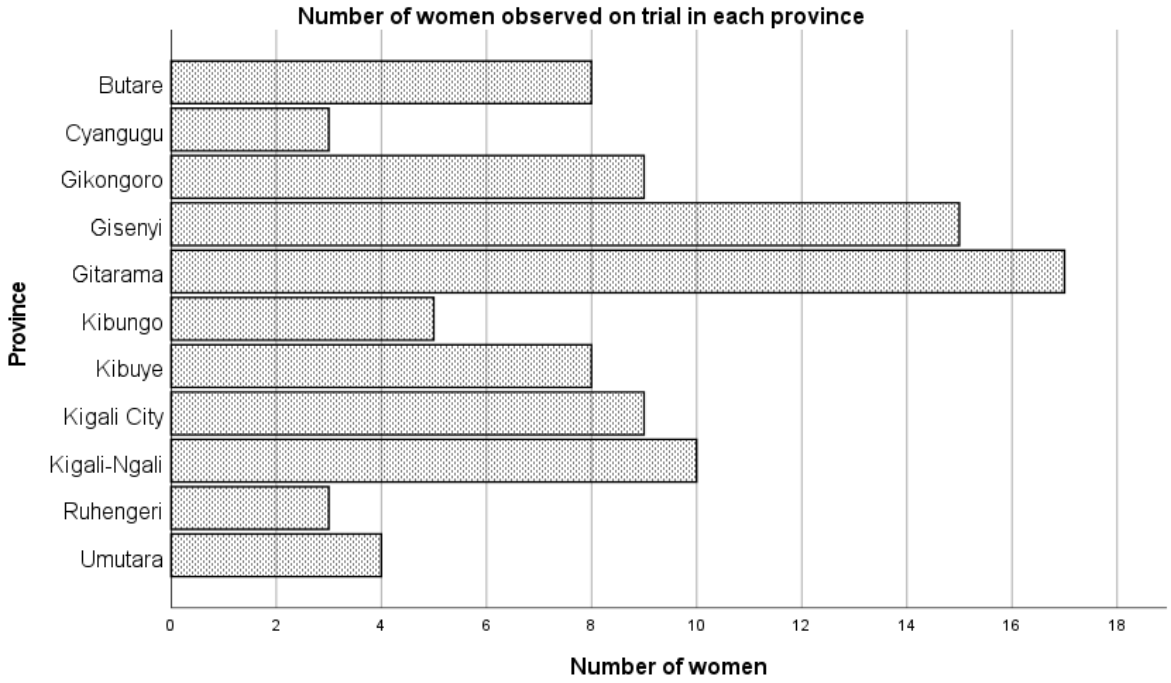

Figure 2: Number of women observed on trial in each province

ASF observed women on trial in eleven of Rwanda's twelve former provinces; the only province where a woman's trial was not observed was Byumba. The number of women on trial in each observed province ranged from three, in Cyangugu and Ruhengeri, to seventeen in Gitarama. There is therefore a wide geographical spread in the evidence set.

ASF's monitoring reports do not provide much detail about how each jurisdiction within provinces was selected for observation, but it is important to note that there are two stated ways in which their selections were not random. Firstly, the reports detail that the observation teams considered the scale of genocide massacres at different sites and prioritised jurisdictions where there were high levels of violence.[83] The reports do not detail to what extent such sites were prioritised over others, nor what the criteria were for determining what constituted a high level of violence. Yet, it should be noted that a greater proportion of observations took place in such areas than would be found in a random sample. Secondly, the reports state that teams prioritised trials that were particularly '*sensibles*' [sensitive] due to the identity or alleged genocide role of the accused.[84] This included the trials of soldiers, those who held positions of political or church authority, and those who were minors at the time of the genocide. The sample of court reports is therefore likely to include higher numbers of these individuals than would be expected in a completely random sample.

[83] ASF, *Rapport analytique n° 2*, p. 11; *Rapport analytique n° 4*, p. 7.
[84] ASF, *Rapport analytique n° 4*, p. 7; *Rapport analytique n° 5*, p. 11.

Both the evidence set of trial reports, and the sampling process, are not without limitations. Since the sample is not completely random, no inferences will be made in the thesis about what any statistically significant associations in the data mean for the overall population of accused women in *gacaca*. Nevertheless, the shortcomings identified do not detract from the importance of these reports as a novel and detailed source base allowing the examination of women's trials, agency, and testimonies. The broad geographical and chronological scope of the observed trials, the level of detail of the reports, and the large number of women's trials observed mean that this report set allows for statistical, thematic, and close textual analysis of women's trials across the *gacaca* process.

Research questions

An immediate insight that the report set provides is additional quantitative evidence for the discrepancy between trial outcomes for men and women; this insight gives further justification for the research questions of this project. The women in the report set achieved higher acquittal rates than their male counterparts in the overall *gacaca* population. Nyseth Brehm et al. (2016) used a data file of approximately 60 per cent of all *gacaca* cases to estimate that men were defendants in 94.5 per cent of category two cases.[85] Of the 577,528 *gacaca* cases of this category, 63 per cent resulted in a conviction.[86] In contrast, for the ninety-one women in the report set, just thirty-five were found guilty: a conviction rate of 38 per cent. Of the eighty-two women recorded as being accused of category two crimes, thirty-two were found guilty: a conviction rate of 39 per cent. Statistical evidence alone is not sufficient to draw conclusions about why these differences in conviction rates between the sample and the overall population of predominantly male defendants occurred. This additional quantitative evidence pointing to differences in trial outcomes between men and women underlines the need for a close consideration of the potential role of ideas about gender in influencing trials for genocide crimes.

As will be discussed in more detail in *Chapter 2*, the set of women's trial reports does not give direct historical evidence for women's actions during the genocide. Instead, it provides evidence for how women, and other court participants, told stories of women's genocide involvement and culpability when on trial in this post-genocide justice system. It also provides

[85] Hollie Nyseth Brehm et al., 'Age, gender, and the crime of crimes: toward a life-course theory of genocide participation', *Criminology*, 54:4 (2016), p. 731.
[86] Nyseth Brehm et al., 'Genocide, justice', p. 340.

evidence for how *gacaca* courts delivered verdicts about accused women's genocide culpability. As a result, the reports will not be read in search of evidence for women's agency during the genocide, and this thesis will make no judgements from them about women's involvement in events in 1994. Instead, the thesis will use the reports to understand, question, and critique women's trials; especially, women's agency when on trial, the stories they and other participants told about events during the genocide, and the judgements that courts reached about these women. In doing so, it will pay particular attention to whether and how ideas about women's gender impacted these trials.

Ultimately, both men's and women's *gacaca* trials should be analysed with consideration to the social constructions of their gender and the role that these constructions played in these court environments. However, analysing both men's and women's gendered experiences and agency is beyond the scope of this thesis, which aims primarily to fill the scholarly gap on women's trials in *gacaca*. Either simply accepting the literature's assessment of how men testified in *gacaca,* or producing a comparative piece without consideration to ideas about men's gender, would risk reproducing assumptions that men are the ungendered norm and women the gendered 'other'. As a result, this thesis will not consider men's trials, nor will it place women's trials in comparison to existing ungendered assessments of men's trials. Instead, this thesis will use a gendered analytical lens to question how accused women were tried in *gacaca* courts and how they presented their stories of genocide within them, since women's trials and agency are valid analytical focuses without needing to be compared to those of men. It is acknowledged that this thesis does not tell the whole gendered story of *gacaca*.

Thematic and statistical analysis of the *ASF* report set, and close reading of individual reports, allow the thesis to consider the following research questions. How did *gacaca* function as a space for women to tell their stories of genocide events? What did it mean for women to speak and act in *gacaca*? Did *gacaca* confront Rwandan women's agency in the perpetration of genocide, and if so, how? Did ideas about women's gender impact their defences, testimonies, and agency as accused individuals, and if so, how? And what was the significance of the stories of women's genocide guilt and innocence that participants, including accused women, told in *gacaca*?

Wider conversations

The insights generated by this thesis make novel contributions to several broader scholarly conversations. In terms of Rwanda, the thesis builds on scholarship exploring the post-genocide regime's attempts to generate and control narratives of the country's past, and simultaneously use the state to exert power over its population.[87] The thesis adds to this literature by showing how local communities' discussions in *gacaca*, including about alleged women perpetrators, contributed to a wider political 'truth' narrative that the regime was attempting to construct about what the genocide was, who its perpetrators were, and what it meant to be guilty of genocide. In turn, this 'truth' narrative generated power and legitimacy for the RPF regime, and helped to produce a particular version of the post-genocide state.

The thesis also contributes to a growing body of literature on state production at a local level, especially in Africa. This existing scholarship identifies various forms of localised state production in Africa since colonialism, including in border areas and through taxation, elections, and justice systems.[88] This scholarship has tended to focus on states that are weaker or newer than that of Rwanda. Yet, in the context of the need to rebuild the Rwandan state after the destruction of infrastructure during the genocide, this thesis shows local communities acting in accused women's *gacaca* trials to imagine, negotiate, and produce a particular version of the post-genocide Rwandan state.

This thesis does not just contribute to debates about Rwanda, nor Africa. It also adds to conversations regarding truth-telling and storytelling in justice systems; specifically, 'transitional justice' institutions. 'Transitional justice' has increasingly been implemented in post-conflict societies, related to a belief that communities and nations must face the violence of the past to move forwards.[89] The term is contested and ambiguous, and multiple forms of

[87] See: Claudine Vidal, 'La commémoration du génocide au Rwanda: violence symbolique, mémorisation forcée et histoire officielle', *Cahiers d'études africaines*, 44:175 (2004), p. 586; Bert Ingelaere, '"Does the truth pass across the fire without burning?" Locating the short circuit in Rwanda's genocide courts', *The Journal of Modern African Studies*, 47:4 (2009), pp. 521-2; Filip Reyntjens, 'Constructing the truth, dealing with dissent, domesticating the world: governance in post-genocide Rwanda', *African Affairs*, 110:438 (2011), pp. 2, 15-17; Erin Jessee, *Negotiating Genocide in Rwanda: The Politics of History* (Cham, Switzerland, 2017), pp. 13-14.
[88] See: Wolfgang Zeller, 'Neither arbitrary nor artificial: chiefs and the making of the Namibia-Zambia borderland', *Journal of Borderlands Studies*, 25:2 (2010), pp. 6-21; Cherry Leonardi, *Dealing with Government in South Sudan: Histories of Chiefship, Community and State* (Suffolk, 2013); Paul Nugent, *Boundaries, Communities and State-Making in West Africa: The Centrality of the Margins* (Cambridge, 2019); Julie MacArthur, 'Decolonizing sovereignty: states of exception along the Kenya-Somali frontier', *The American Historical Review*, 124:1 (2019), pp. 108-43; Ahmed M. Musa et al., 'Revenues on the hoof: livestock trade, taxation and state-making in the Somali territories', *Journal of Eastern African Studies*, 15:1 (2021), pp. 108-27.
[89] Laurel E. Fletcher and Harvey M. Weinstein, 'Writing transitional justice: an empirical evaluation of transitional justice scholarship in academic journals', *Journal of Human Rights Practice*, 7:2 (2015), p. 178.

'transitional justice' institutions exist. Yet, linked to claims about the relations between truth-telling, healing, and reconciliation, such institutions have often been implemented with the aim of revealing truths about past atrocities.[90] South Africa's Truth and Reconciliation Commission in particular was instrumental in making ideas of 'truth' and 'reconciliation' key aspects of post-1990s transitional justice.[91] Other truth commissions have been established in countries such as Argentina, Ghana, Guatemala, Morocco, and Uganda, with hybrid truth commissions and criminal trials in Cambodia and Sierra Leone. Yet, these institutions have often been implemented without fully problematising what those truths actually are, whether they could possibly be said to exist, and what the political and societal consequences might be of creating justice- and state-authorised 'truth' narratives about contested past events. Michal Ben-Josef Hirsch (2007), Erin Daly (2008), Audrey Chapman (2009), and Janine Natalya Clark (2011) highlight problems with the idea of surfacing such a 'truth', including that truths are neither singular nor objective, that certain truths are denied in these processes, and that some truths are intertwined with political agendas.[92] The idea of revealing truths through dialogue and revelation is in tension with transitional justice mechanisms' aims of labelling and criminalising past actions, and of determining culpability.[93]

This thesis' research on the stories told by and about accused women in *gacaca* thereby speaks to the way that transitional justice mechanisms are primarily processes of truth generation rather than truth revelation. The thesis questions assumptions that actors' testimonies either can reveal one singular and objective 'truth' of past events, or that these testimonies should even be analysed in relation to this supposed 'truth'. As a result, it focusses on asking what stories were told by and about accused women during their trials. It asks how actors talk about culpability in these mechanisms, how individuals present their own stories of guilt or innocence, and how communities use discussions about culpability to reflect on, and determine, the status of individuals in post-conflict societies. Rather than dismissing the

[90] Patricia Lundy and Mark McGovern, 'Whose justice? Rethinking transitional justice from the bottom up', *Journal of Law and Society*, 35:2 (2008), p. 270.
[91] Jeremy Sarkin and Erin Daly, 'Too many questions, too few answers: reconciliation in transitional societies', *Columbia Human Rights Law Review*, 35:3 (2004), p. 672.
[92] Michal Ben-Josef Hirsch, 'Agents of truth and justice: truth commissions and the transitional justice epistemic community', in David Chandler and Volker Heins (eds.), *Rethinking Ethical Foreign Policy: Pitfalls, Possibilities and Paradoxes* (London, 2007), p. 196; Erin Daly, 'Truth skepticism: an inquiry into the value of truth in times of transition', *The International Journal of Transitional Justice*, 2:1 (2008), p. 25; Audrey R. Chapman, 'Truth finding in the transitional justice process', in Hugo van der Merwe et al. (eds.), *Assessing the Impact of Transitional Justice: Challenges for Empirical Research* (Washington, D.C., 2009), pp. 91-6; Janine Natalya Clark, 'Transitional justice, truth and reconciliation: an under-explored relationship', *International Criminal Law Review*, 11 (2011), pp. 248-50.
[93] Leebaw, 'Irreconcilable goals', pp. 112, 118.

concept of 'truth' entirely, however, the thesis takes this concept as something constructed by the court process itself. It goes further than the existing literature on 'truth' in transitional justice mechanisms, exploring both how the status given to courts' verdicts often elevates their determined narrative to a court-generated 'truth' of events, and how this constructed 'truth' then takes on a societal significance of its own. The thesis considers the dynamics of constructing this 'truth', including how actors try to have their stories accepted as the 'truth' and whose voices are powerful in this process. The thesis also asks what it means for a justice system to construct one 'truth' about an actor, or a group of actors, and their past actions. The case study of accused women in *gacaca* shows how the 'truths' generated in court about individuals and groups of people have implications both for the individual in determining the status and identity that they acquire after their trial, and for wider society in terms of the narratives generated about past events.

Furthermore, this thesis contributes to broader conversations regarding both women's involvement in periods of violence, and post-conflict assumptions about women's involvement. Although the area remains under-researched, some existing work points to how post-conflict justice and resolution processes have failed to comprehend fully women's capacity to commit violence. Sjoberg and Gentry (2015) identify how narratives of women's political violence across the globe tend to portray these women as either 'mothers', 'monsters', or 'whores', who respectively were supporting and avenging their sons; were extraordinary non-women; or were led astray by the 'evils' of female sexuality.[94] Megan MacKenzie (2009) argues that the de-securitisation programme in Sierra Leone narrativised women combatants as 'wives', 'camp followers' or 'sex slaves' due to assumptions that women were not violent.[95] The narratives generated by *gacaca* in its attempts to make sense of women's genocide involvement fit into a wider story of the ways that post-conflict societies have struggled to comprehend women's violent agency.

Building on these conversations, this thesis also makes a novel contribution to a growing literature on the challenges and pitfalls of transitional justice. Feminist theoretical scholarship has been critical of the way that transitional justice processes fail to address the gendered violence that women experience during periods of conflict.[96] A further section of

[94] Sjoberg and Gentry, *Beyond*, pp. 11-12.
[95] MacKenzie, 'Securitization', pp. 243-4.
[96] Katherine M. Franke, 'Gendered subject of transitional justice', *Columbia Journal of Gender and Law*, 15:3 (2006), pp. 813-28; Kimberly Theidon, 'Gender in transition: common sense, women, and war', *Journal of Human Rights*, 6:4 (2007), pp. 453-78; Fionnuala Ní Aoláin, 'Advancing feminist positioning in the field of

transitional justice scholarship contends that these processes have tended to contain an underlying assumption that men are conflict combatants and perpetrators, while women are victims.[97] For example, Gabrielle Lynch (2018) argues that the Truth, Justice and Reconciliation Commission that was established after Kenya's post-election violence of 2007-8 generated a narrative of women as a homogenous group of virtuous victim-heroines.[98] This scholarship not only calls for transitional justice mechanisms themselves to operate beyond these gendered assumptions, but also for scholarly critiques of transitional justice's gendered 'blind-spots' towards actors who do not fit the binary 'male perpetrator : female victim' understanding of conflict.[99] This thesis builds on this growing understanding that global transitional justice mechanisms have been processes impacted by ideas about gender, and that have in turn reproduced certain ideas about gender. Specifically, it places the growing recognition of the prevalence of women's violent agency in periods of conflict in conversation with the identified lack of research on accused women in transitional justice mechanisms.

Finally, the insights generated in this thesis make novel contributions to broader conversations regarding African women's agency, voice, and 'empowerment' in public spaces; specifically, state-run court systems. *Gacaca* formed part of a wider and longer story of court systems providing women in African countries with opportunities to gain agency and material benefits through speaking in legal settings.[100] Yet, other scholars have identified that this 'empowerment' has coexisted in tension with some women's aims of exploiting gendered assumptions, such as female dependence, to achieve favourable trial outcomes.[101] The speech

---

transitional justice', *The International Journal of Transitional Justice*, 6 (2012), pp. 205-28; Jelke Boesten and Polly Wilding, 'Transformative gender justice: setting an agenda', *Women's Studies International Forum*, 51 (2015), pp. 75-80.

[97] Björkdahl and Mannergren Selimovic, 'Gendering agency', p. 168; Aleisha Ebrahimi-Tsamis, 'Reintegrating FARC's female combatants: the challenges of addressing gender binaries in transitional justice', *Birkbeck Law Review*, 6:1 (2018), pp. 81-3; Philipp Schulz, 'Towards inclusive gender in transitional justice: gaps, blind-spots and opportunities', *Journal of Intervention and Statebuilding*, 14:5 (2020), p. 692.

[98] Gabrielle Lynch, *Performances of Injustice: The Politics of Truth, Justice and Reconciliation in Kenya* (Cambridge, 2018), pp. 184-5.

[99] Ibid., p. 217; Léa Lemay Langlois, 'Gender perspective in UN framework for peace processes and transitional justice: the need for a clearer and more inclusive notion of gender', *International Journal of Transitional Justice*, 12 (2018), p. 147; Björkdahl and Mannergren Selimovic, 'Gendering agency', p. 168; Schulz, 'Towards inclusive gender', p. 701.

[100] Richard Roberts, 'Representation, structure and agency: divorce in the French Soudan during the early twentieth century', *The Journal of African History*, 40:3 (1999), pp. 389-410; Brett L. Shadle, 'Bridewealth and female consent: marriage disputes in African courts, Gusiiland, Kenya', *Journal of African History*, 44:2 (2003), pp. 241-62; Joseph Mujere, 'Land, gender and inheritance disputes among the Basotho in the Dewure Purchase Areas, colonial Zimbabwe', *South African Historical Journal*, 66:4 (2014), pp. 699-716.

[101] Kenda Mutongi, '"Worries of the heart": widowed mothers, daughters and masculinities in Maragoli, Western Kenya, 1940-60', *The Journal of African History*, 40:1 (1999), pp. 67-86; Tapiwa B. Zimudzi, 'African women, violent crime and the criminal law in colonial Zimbabwe, 1900-1952', *Journal of Southern African Studies*, 30:3 (2004), pp. 499-517.

acts of women in *gacaca* – particularly those that emphasised female passivity and subservience, as well as those that were compelled due to women's position as accused individuals – further problematise assumptions about the relationship between African women's speech in court settings, and their 'empowerment'.

Argument and structure

This thesis will argue that there was an inherent tension between *gacaca*'s stated aim of revealing the 'truth' of genocide – in the sense of what happened, and who did what – and the ability of accused women to use ideas and expectations about their gender to avoid facing punishment for charges of genocide. This tension appeared clearly in women's trials in two distinct, but interrelated, ways. Firstly, accused women who exerted agency in *gacaca* to achieve favourable trial outcomes contributed to the process's construction of a state-authorised 'truth' narrative that ordinary Rwandan women's peacefulness, passivity, and subservience meant that they were incapable of acting to perpetrate the genocide. By doing so, accused women played pivotal roles in *gacaca*'s resultant failure to confront fully women's agency during this violence. Secondly, the tension is shown in the contradictions between accused women's agency in court and the wider assumption that women speaking in such a public setting is automatically 'empowering'. Accused women contributed to a process that was not one of 'truth' revelation, nor simply of 'truth' generation, but that also produced a version of the post-genocide state that exercised control over contemporary women's behaviour.

The thesis will also use its analysis of women's trials to argue that *gacaca* became a space in which actors pursued multiple state, local, and individual projects. In one respect, *gacaca* was a top-down project of state-authorised 'truth' generation about what had happened during the genocide. This project revolved around the identification and punishment of perpetrators, according to which individuals the courts judged to have acted with a will to commit genocide. However, a concurrent project of the regime – that of portraying women as Rwanda's natural peacebuilders – sat uneasily with the courts' role of considering women's agency in the perpetration of this violence. In the space created by both the tension in the RPF's genocide narrative about women, and the RPF's projection of *gacaca* into local communities, local actors – including accused women themselves – were able to use this state institution to pursue multiple other projects. Significantly, members of local communities sought to use

gacaca as a space to reassert or renegotiate gendered norms of behaviour amid a sense of moral disorder in the wake of the genocide and post-genocide legal changes to Rwandan women's status. Finally, accused women across the courts pursued their own projects of attempting to evade punishment for real or alleged acts of genocide violence.

The first three chapters of the thesis focus on asking how *gacaca* functioned as a space for accused women to appear on trial and tell their stories of genocide events. Informed by secondary literature, *Chapter 1* places *gacaca* in its historical context, arguing that although it was not a revival of 'traditional *gacaca*', it followed on from a long history of Rwandan courts functioning as sites and producers of state power and the state itself, as well as being social spaces of dispute resolution administered by powerful local men. Also drawing upon secondary literature, *Chapter 2* explores how, despite these continuities with the past, post-genocide *gacaca* was a new form of public space in Rwanda. It considers how *gacaca* operated as a novel public space of local interaction with the state. It then explores how *gacaca* functioned as a space for individuals to testify, revealing that testimonies are best understood as performative stories of genocide events designed to achieve an individual's desired trial outcome, while also contributing to the regime's production of a 'truth' narrative about the genocide. *Chapter 3* uses evidence from the report set to start to consider the gendered structures and power dynamics present in *gacaca*, as well as how accused women exerted agency to navigate barriers to telling their stories of genocide.

The following two chapters then turn to asking how the act of accused women speaking in *gacaca* should be understood historically. Together, they argue that the *gacaca* process expanded the boundaries of Rwandan women's agency in public settings by changing expectations of who should speak and act in these spaces. However, they question assumptions that such agency and power necessarily came through acts of public speech. *Chapter 4* draws on existing secondary literature and the court reports to consider silence as a strategy used by accused women in *gacaca*, in the context of the cultural view that Rwandan women's public silence was a behaviour that expressed virtue. *Chapter 5* then explores how *gacaca* provided accused women with an opportunity to gain knowledge and experience in a court setting, in the context of women's limited actions in legal settings throughout Rwanda's history.

The final two chapters ask whether and how *gacaca* confronted Rwandan women's agency in the perpetration of genocide. They question what stories of women's genocide culpability accused women and other court participants told in these spaces, as well as what state-authorised 'truth' narratives of women's culpability were generated by *gacaca*. Together, they argue that the *gacaca* process expanded the boundaries of discussion about women's

violent agency and power, as it forced local communities to debate publicly women's capacity for violence for those women who had been accused. However, they argue that despite these public discussions, this court system did not confront fully women's perpetration of the genocide. Additionally, these chapters further question existing assumptions about the relationship between women's power and women's acts of public speech. They identify tensions between women's forced participation in a punitive system that produced authority for the regime and generated a state that acted to control women's behaviour; individual women's success in using speech acts to achieve favourable trial outcomes; and women's involvement in generating public narratives of female passivity and subservience. Using the reports, *Chapter 6* explores how gendered testimonies tended to help women defend themselves. It also considers how *gacaca* courts generated a state-authorised 'truth' narrative that ordinary Rwandan women were not capable of genocide. *Chapter 7* uses the reports to consider the stigma in trials towards those women who were judged to have transgressed gendered expectations of female peacefulness and submissiveness during the genocide, especially in relation to their domestic roles. This chapter shows the generation of a state-authorised 'truth' that those women who were involved in the perpetration of genocide were 'extraordinary' gendered anomalies who had transgressed their natural female states. In its exploration of how local actors raised concerns during trials about women exerting power over their male relatives, *Chapter 7* also reveals a further function of *gacaca*: as a political and communal process that made moral judgements about contemporary Rwandan women's domestic roles and agency within the household.

Chapter 1. The historical context of *gacaca*

Before considering what it meant for women to act and speak in *gacaca*, and whether and how the process confronted the agency of women in the perpetration of genocide, other questions must firstly be posed. What sort of a court environment was *gacaca*? Specifically, how did *gacaca* function as a space for accused women to appear on trial and tell their stories of genocide guilt or innocence? The first three chapters of the thesis will focus on answering these research questions.

Gacaca did not exist in isolation as a court system. It was a new state-authorised space created by the Rwandan government, which formed part of a wider and longer story of Rwanda's justice processes. Informed by secondary literature, this chapter will place post-genocide *gacaca* in its longer historical context to reveal how its structures, agents, power dynamics, and understandings of justice built on previous judicial and political structures and authorities. Placing post-genocide *gacaca* in this context also gives an understanding of the set of memories, knowledge, and expectations of justice that Rwandans inevitably brought with them into *gacaca* courts. These preconceived ideas necessarily impacted how participants created *gacaca* court environments, delivered justice relating to the genocide, and navigated these court spaces.

Scholarly interest in Rwanda's courts and justice systems has largely arisen due to the Rwandan government's implementation of post-genocide *gacaca*; not much work has been conducted specifically on Rwandan justice before the genocide, and the focussed task of analysing post-genocide *gacaca* as a product of its historical context has not been conducted. Most of the work carried out on Rwandan pre-genocide justice systems has formed part of larger political and legal commentaries and histories, reflecting an interest in state structures and the interaction between colonial and Rwandan institutions. Evidence and comments on justice systems and their places within local communities and wider political structures are contained within these analyses of Rwandan state and society. Additionally, ethnographic work and interviews by a small number of scholars allow some consideration – although by no means complete – of how individual Rwandans experienced justice systems in the colonial and postcolonial periods.

The historical analysis of this chapter brings a new perspective to the study of post-genocide *gacaca*. It uses the existing literature to reveal that what has been referred to in much of the post-genocide scholarship as 'traditional *gacaca*' did not constitute one fixed justice

system. In fact, it is questionable whether *gacaca* existed as an institution at all before the onset of colonial rule. Structures of justice within Rwanda, including *gacaca,* underwent numerous changes throughout the country's history, including within the living memories of those participating in the post-genocide courts. Despite post-genocide *gacaca* not constituting a revival of 'traditional *gacaca*' – since such a fixed justice process did not exist to be revived – it nevertheless followed a long history of Rwandan courts functioning as localised sites and producers of state power – and of the state itself – as well as being social spaces of dispute resolution. Justice systems dating from before colonial rule have commonly been administered by powerful male local actors who acted as agents of the state: another feature that continued in post-genocide *gacaca*. Furthermore, this history of court systems also shows that the social relations and communal power dynamics that were highly influential in *gacaca* trials also played significant roles in dispute resolution mechanisms throughout Rwanda's history. Finally, there is evidence that testimonies in Rwanda's court systems have long been understood as performative stories of events rather than primarily truth-telling or -concealing processes. This historical evidence indicates that individuals participating in post-genocide *gacaca* would have brought with them a set of knowledge and expectations that courts had long functioned as localised sites and producers of state power and the state itself. They also knew that personal connections, communal power dynamics, and performances of spoken testimony would likely play important roles in these new courts.

Precolonial justice systems

The Rwandan government asserted that it was reviving a traditional justice system to deliver localised genocide justice, and much of the scholarship on post-genocide *gacaca* has reproduced this narrative.[102] Susanne Buckley-Zistel (2005) emphasises that *gacaca* had roots in the precolonial period, while Muriel Paradelle and Hélène Dumont (2006) contend that these traditional roots helped to situate post-genocide *gacaca* culturally and make it an accepted form of justice for the population.[103] Lyn Graybill (2004), Arthur Molenaar (2005) and Phil Clark (2010) highlight continuities with tradition, writing how precolonial *gacaca* brought parties in

[102] Hélène Dumas, 'Histoire, justice et réconciliation: les juridictions gacaca au Rwanda', *Mouvements*, 53:1 (2008), p. 113.
[103] Susanne Buckley-Zistel, '"The truth heals"? Gacaca jurisdictions and the consolidation of peace in Rwanda', *Die Friedens-Warte*, 80:1-2 (2005), p. 115; Muriel Paradelle and Hélène Dumont, 'L'emprunt à la culture, un atout dans le jugement du crime de genocide? Etude de cas à partir des juridictions traditionnelles *gacaca* saisies du genocide des *Tutsis* du Rwanda', *Criminologie*, 39:2 (2006), pp. 109-11.

front of community elders – often male heads of households – to hear grievances, allow the accused to defend themselves, and pass judgements.[104] Although Jennie Burnet (2008) and Lars Waldorf (2008) both stress the reinvention of tradition by the Rwandan government, arguing that modern *gacaca* represented a significant departure from its predecessor, their argument similarly rests on the assumption of the existence of a fixed, 'traditional', *gacaca*.[105]

However, it is unclear what sources these scholars are using for their assertions, and there is not much evidence in this branch of the literature regarding how precolonial *gacaca* courts functioned, nor the nature of the disputes they reconciled. It is therefore necessary to examine critically these assertions before assuming that post-genocide *gacaca* was simply a revival, or adaptation, of 'traditional' *gacaca*. The wider literature on precolonial state systems gives some understanding of how Rwandan justice systems were linked to political authority in the precolonial period. Significantly, this literature does not explicitly refer to or analyse any system named '*gacaca*' during the precolonial period, despite describing localised methods of dispute resolution.

The development of justice systems in the precolonial period was inextricably tied to the strengthening and production of the Rwandan state. Rulers of the precolonial kingdom increasingly projected state power into local communities, including through control of dispute resolution processes. It was powerful male local actors who controlled the everyday running of these systems, although increasingly they held dual roles as state agents. Justice systems in the precolonial period became spaces where local communities and state agents interacted to produce a Rwandan state that acted to resolve interpersonal and localised disputes. As well as being a story of state power and production, the development of justice systems in precolonial Rwanda also shows the longstanding importance of social positions, personal connections, and communal power dynamics in dispute resolution processes.

The beginnings of the Rwandan state appear to have been established in the fourteenth or fifteenth century.[106] Although ruled over by the *mwami* [king], he had little direct power over the population. Instead, the most important political units were *inzu* [lineages].[107] The *inzu*

[104] Lyn S. Graybill, 'Pardon, punishment, and amnesia: three African post-conflict methods', *Third World Quarterly*, 25:6 (2004), p. 1123; Arthur Molenaar, 'Gacaca: grassroots justice after genocide: the key to reconciliation in Rwanda?', *African Studies Centre,* Research Report 77 (2005), p. 13; Clark, *Gacaca*, pp. 52-3.
[105] Burnet, 'Injustice of local justice', pp. 176-7; Lars Waldorf, 'Rwanda's failing experiment in restorative justice', in Dennis Sullivan and Larry Tift (eds.), *Handbook of Restorative Justice: A Global Perspective* (London, 2008), p. 425.
[106] Villia Jefremovas, 'Contested identities: power and the fictions of ethnicity, ethnography and history in Rwanda', *Anthropologica*, 39:1-2 (1997), p. 92.
[107] Ibid., p. 93.

head was elected and assisted by a council of male elders.[108] He could issue rules but had no powers of compulsion, and represented his *inzu* in external negotiations regarding feuds, marriage arrangements, and the payment of fines.[109] These structures show dispute resolution taking place at local levels, led by powerful male local actors.

State authority became more present in the lives of ordinary Rwandans in the sixteenth century, with the expansion of military structures. State armies began exacting a tribute from the areas they controlled, sending a share to the *mwami*'s central courts.[110] Army heads began to take over the roles of lineage heads, including distributing land and settling disputes.[111] Dispute resolution mechanisms started to be controlled by those appointed by the central state, rather than by those whose legitimacy and authority came solely from the local populations they governed.

The eighteenth century saw significant development of state power and institutions. The central state expanded into new territories, with rulers growing the state's armies and provincial governments to gain increasing control over the cattle, lands, and populations they governed.[112] A key feature of this expansion in terms of justice structures was the increasing erosion of *inzu* power, in favour of 'chiefs' appointed by the *mwami*'s central court.[113] The court appointed land chiefs to distribute land, and army chiefs increasingly took over the roles of *inzu* heads as army territory expanded.[114] Patronage structures developed around army chiefs, as local people who were recruited into the army became subjects of these state agents. In return, chiefs distributed land and cattle among their people, protected them from other chiefs, and fulfilled duties including arbitrating their disputes.[115] Not only did the *mwami* increasingly project state power into localities, but the interaction between local people and these state agents also produced a particular version of the state: one that increasingly intervened in the disputes of ordinary Rwandans.

---

[108] J. K. Renne, 'The precolonial kingdom of Rwanda: a reinterpretation', *Transafrican Journal of History*, 2 (1972), p. 16.
[109] Ibid., p. 16.
[110] Jefremovas, 'Contested identities', p. 94.
[111] Ibid., p. 94.
[112] Renne, 'Precolonial kingdom', p. 38; Jan Vansina, *Antecedents to Modern Rwanda: The Nyiginya Kingdom* (Madison, WI, 2004), pp. 67-8.
[113] Here, the term 'chief' reflects how these positions are described in the literature. It is recognised that this term is problematic and likely reflects European observers' perceptions of these roles more than how they were understood by Rwandans themselves. It is used in this thesis only in the absence of a more accurate term.
[114] Jefremovas, 'Contested identities', p. 94; David Newbury, 'Precolonial Burundi and Rwanda: local loyalties, regional royalties', *The International Journal of African Historical Studies*, 34:2 (2001), p. 301.
[115] Vansina, *Antecedents*, p. 74; Warren Weinstein, 'Military continuities in the Rwanda state', in Ali A. Mazrui (ed.), *The Warrior Tradition in Modern Africa* (Leiden, 1977), p. 49.

State structures were further strengthened in the nineteenth century, particularly during the rule of *Mwami* Rwabugiri (1865-1895). The military administrative structure based on chiefship and patronage intensified, and by the end of the century, the army chief appointed all the subchiefs within his province.[116] In frontier regions, local populations provided armies with food, and in return their rights to land were recognised and backed by court power.[117] These legal claims became increasingly important as immigrant groups sought permission to settle, suggesting that local populations used their personal connections with army chiefs to provide an official means of settling disputes with outsiders.[118] Alongside the territorial expansion of the state through military conquest, Rwabugiri strengthened the state's regional power by removing *inzu* power and centralising the power and client networks of chiefs.[119] He replaced hereditary chiefs with Tutsis loyal to the court, and by 1900, all major administrative structures at local levels were under the direct control of the *mwami*.[120] When there was a disagreement between Hutu members of an *inzu* over the partition of land, those who disagreed with the decision of the *inzu* leader could take the dispute to the state-appointed Tutsi chief.[121] Disputes were no longer resolved solely by local authorities; localised resolution mechanisms and the actors who led them instead formed part of centralised state structures by the time that Europeans colonised Rwanda.

Although limited, there is evidence of how some of Rwanda's court systems functioned before they were altered by Belgian colonialism; in particular, of how power dynamics, patronage, and the manipulation of courts for personal benefit all played important roles. The *mwami* and queen mother delivered justice at 'general audiences' in the eighteenth century to courtiers or actors whom they wished to punish.[122] There was no codified law or formalised structure for delivering these judicial decisions, so they had the authority to settle disputes as they wished.[123] Although this court did not directly involve most ordinary Rwandans, it provides some early evidence for those with authority using courts as a means of settling personal disputes.

In his exploration of whether Rwanda has a historical culture of impunity, Michèle Wagner (1999) gives evidence from Belgian colonial administrators of how actors within

[116] Weinstein, 'Military continuities', pp. 49-50.
[117] Newbury, 'Precolonial', pp. 303-4.
[118] Ibid., p. 304.
[119] Jefremovas, 'Contested identities', p. 94.
[120] René Lemarchand, *Rwanda and Burundi* (New York, 1970), p. 22.
[121] Jacques Maquet, 'La tenure des terres dans l'état rwanda traditionnel', *Cahiers d'Études Africaines*, 7:28 (1967), p. 628.
[122] Vansina, *Antecedents*, pp. 89-90.
[123] Ibid., pp. 89-90.

existing Rwandan courts delivered justice. While these accounts are unavoidably told through the lens of a colonial administration that believed native systems to be inferior, they give further indications of the importance of power dynamics, patronage, and actors' identities in the deliverance of justice. Territorial Administrator L. Lenaerts wrote about the royal court of *Mwami* Musinga in 1929, describing how the *mwami* dealt justice 'based solely on favoritism and interest', and detailing how defendants would present gifts to the *mwami* if the plaintiff were a more powerful chief.[124] According to Lenaerts, if the defendant gained the *mwami*'s favour, then regardless of the legitimacy of the case, the accuser would not win.[125] At a more localised level, Territorial Administrator G. Sandrart described how patron-client protection extended to judicial matters in Kigali. He described a chief in charge of a court who would 'use every means to aid one of his clients in a cause', including the selective application and manipulation of customary law.[126] Similarly, Territorial Administrator R. Bourgeois, in Cyangagu, argued that the social standing of parties was integral to the resolution of disputes. He wrote that 'The infraction was not always punished – the degree of punishment varied with the social position of the parties', and contended that punishments were more serious when the guilty party was of a lower social standing than the accuser.[127] These cases of justice being delivered in courts not yet altered by colonial rule provide evidence for the longstanding importance of social status and connections in Rwanda's justice processes.

Justice systems during colonialism

Although German colonisers did not modify the Rwandan state to any significant degree, the subsequent Belgian colonial regime acted to alter Rwandan state structures, including justice systems. The development of Rwandan justice systems during this period indicates that the colonial regime aimed to project state power into local communities through the control of court systems, and that the actors in charge of these localised court systems occupied dual positions as both local and state agents. Unlike work focussing on precolonial justice, the scholarship on colonial court structures starts to talk explicitly about '*gacaca*' as an institution. It makes an assumption that this *gacaca* was a precolonial institution, although it does not

[124] L. Lenaerts, cited in Michèle Wagner, '«Culture of impunity?». Discretionary justice in Rwanda's history', *Revue française d'histoire d'outre-mer*, 86:324-325 (1999), p. 108.
[125] Ibid., p. 108.
[126] G. Sandrart, cited ibid., pp. 110-11.
[127] R. Bourgeois, cited ibid., pp. 111-12.

provide primary evidence for this assertion or make clear precisely how this *gacaca* mapped onto other precolonial justice systems.

The Belgian administration aimed to expand the state's structures, including justice systems. It did not remove existing justice systems; the law of 21 August 1925 recognised 'customary' law, provided it was not contrary to written legislation or what it deemed to be public order.[128] Meanwhile, the administration introduced a 'western' system of courts and written law alongside these Rwandan courts, and it significantly altered existing judicial processes. Scholars have analysed the legal dualism that came into being, questioning how Rwandan and European justice systems functioned alongside each other. Such dualism was not unusual in Africa, and has been the subject of much wider scholarly discussion.[129] In principle, there was a simple separation between the two systems. The 'customary' system had jurisdiction over civil and commercial matters between Rwandans, except where there was a written law that determined the issue. The 'western' system dealt with all other cases, including penal matters. If solutions to civil cases could not be found in Rwandan systems, they could be taken to the colonial courts and, in principle, Rwandans found themselves answerable to both Belgian and their own law.[130] The two court systems did not, however, operate alongside each other on an equal basis; rather, the colonial administration and its judicial system controlled the operation of the 'customary' courts.[131] For example, Belgian courts had the power to overrule *gacaca*'s judgements, and Belgian administrators approved – or in some cases controlled – the appointment of *gacaca* judges.[132] Rather than viewing justice in the colonial era as occurring within a system of legal dualism, it is better to consider how the Belgian administration co-opted existing justice systems and used them as the lowest dispute resolution mechanism within their hierarchy of state-administered courts. Under colonial rule, localised justice systems increasingly became sites of the colonial state.

The literature charts Belgian control of Rwandan justice systems and wider political structures over the course of colonial rule. In continuity with the precolonial period, political

[128] Jeswald Salacuse, *An Introduction to Law in French-Speaking Africa: Volume 1. Africa South of the Sahara* (Charlottesville, VA, 1969), p. 521.
[129] For example: Mahmood Mamdani, 'Indirect rule, civil society, and ethnicity: the African dilemma', *Social Justice*, 23:1 (1996), pp. 145-50; Rachel Sieder and John-Andrew McNeish (eds.), *Gender Justice and Legal Pluralities: Latin American and African Perspectives* (Oxford, 2013); Berihun A. Gebeye, 'Decoding legal pluralism in Africa', *The Journal of Legal Pluralism and Unofficial Law*, 49:2 (2017), pp. 228-49.
[130] Filip Reyntjens, 'The development of the dual legal system in former Belgian Central Africa (Zaire-Rwanda-Burundi)', in W. J. Mommsen and J. A. De Moor (eds.), *European Expansion and Indigenous Law: The Encounter of European and Indigenous Law in 19th and 20th-Century Africa and Asia* (Oxford, 1992), p. 118; Molenaar, 'Gacaca', p. 18.
[131] Reyntjens, 'Development', p. 118; Molenaar, 'Gacaca', p. 18.
[132] Reyntjens, 'Development', p. 118.

and judicial structures and authorities were interrelated, with chiefs often presiding over courts. Belgian-imposed changes to political leadership structures and appointments thus impacted judicial structures and personnel. Between 1926-32, the Belgian administration replaced the system of three overlapping authority structures in districts with a simplified structure of chiefs and sub-chiefs.[133] Filip Reyntjens (1985) describes these leaders as indigenous agents of the Belgian administration: they were salaried by the state; their appointments were approved by administrators; and they advised judicial authorities of any legal violation that was outside the 'customary' courts' jurisdiction.[134]

As well as changing personnel, the administration altered, and gained increasing control of, the structures of Rwandan justice institutions as its rule continued. Between 1925-6, the administration reorganised 'customary' judicial structures, creating fifteen *tribunaux de territoire* [territorial courts] and one *tribunal d'appel* [appeals court].[135] The *tribunaux de territoire* had jurisdiction over civil cases between Rwandans. In penal cases, these courts could sentence up to one month of labour, but above this sentence severity cases had to be referred to the European courts.[136] In 1934, the administration created *tribunaux de conciliation* [mediation courts] in Nyanza with the aim of reconciling low-level cases without having to send cases up to the *tribunaux de territoire*, and the following year these courts were implemented in other territories.[137] The *mwami* retained some control of the lowest levels of the 'customary' justice system, reorganising aspects of it in 1937 to increase the standardisation of the process; for example, cases from then on had to be taken to the sub-chief before they could go to the chief's court.[138] Yet, in October 1943, Belgian legislation reorganised once more the 'customary' justice system, declaring a hierarchical structure of three jurisdictions. At the lowest level was the *tribunal de chefferie* [court of the chiefdom], presided over by the district's chief. At the next level, the *tribunal de territoire* was presided over by chiefs selected by the *mwami* and approved by the Belgian administration. Finally, the *tribunal de mwami* [*mwami*'s court] was presided over by the *mwami*, alongside assessors chosen by him and approved by the administration.[139] As the administration made these changes to the structures of both 'customary' and colonial courts, the local actors who presided over them increasingly

[133] Andrea Purdeková, '"Mundane sights" of power: the history of social monitoring and its subversion in Rwanda', *African Studies Review*, 59:2 (2016), pp. 64-5.
[134] Filip Reyntjens, *Pouvoir et Droit au Rwanda: Droit Public et Evolution Politique, 1916-1973* (Turvuren, 1985), pp. 111, 144-6.
[135] Ibid., pp. 150-1.
[136] Ibid., pp. 150-1.
[137] Ibid., p. 152.
[138] Ibid., pp. 152-3.
[139] Ibid., pp. 153-4.

formed part of a hierarchical authority system administered by the Belgian colonial state. Not only did these localised courts come further under the power of the state, but they increasingly became spaces of the colonial state itself.

As well as considering the overall structure of justice under colonial rule, other scholars have asked how these changes affected the ways that Rwandan people interacted with courts. M. W. Prinsloo (1993) argues that the Belgian administration gradually transformed traditional justice systems 'into illegitimate, servient and foreign institutions in the eyes of Africans', suggesting that populations' respect for Rwandan justice systems lowered during this period.[140] Reyntjens (1992), Molenaar (2005), and Bert Ingelaere (2008) emphasise in particular how the appointment of judges by Belgian administrators led to them losing legitimacy.[141] Molenaar also contends that the Belgian administration removed *gacaca* from the forefront of the judicial system, meaning Rwandans during this period became used to 'western' justice.[142] The Belgians certainly 'westernised' aspects of Rwandan justice; for example, through the introduction of European case law and norms, the replacement of an oral judicial culture with a written one, and the holding of court sessions on fixed days.[143] Rwandans entered courts that had been significantly altered by Belgian rule, and faced judicial personnel who had been chosen by, and acted as agents of, the colonial state. These scholars contend that the onset of colonial rule, and the colonial regime's control of legal structures, fundamentally changed how ordinary Rwandans interacted with and experienced justice systems.

Nevertheless, these interpretations rely too much on a conceptualisation of a separate and fixed precolonial justice system that did not exist. The colonial state certainly co-opted and controlled justice structures to a far greater extent than the precolonial state had, and the creation of judicial authorities who were agents of colonial rule likely represented a new tension in localised justice processes. Yet, it was not the case that precolonial judicial authorities were uniformly appointed by, and accountable to, the populations they served. Nor were court systems separate from the state in the precolonial period. The tension between the projection and production of state power through court systems, and the local situation of these institutions had a history in Rwanda long predating the onset of colonial rule.

---

[140] M. W. Prinsloo, 'Recognition and application of indigenous law in Zaïre, Rwanda, Burundi and Lusophone Africa', *Journal of South African Law*, 4 (1993), p. 543.
[141] Reyntjens, 'Development', p. 119; Molenaar, 'Gacaca', p. 17; Bert Ingelaere, 'Les juridictions gacaca au Rwanda', in Luc Huyse and Mark Salter (eds.), *Justice Traditionnelle et Réconciliation Après un Conflit Violent : La Richesse des Expériences Africaines* (Stockholm, 2008), p. 36.
[142] Molenaar, 'Gacaca', p. 18.
[143] Ibid., p. 20.

Furthermore, the argument that the colonial state reduced the presence of *gacaca* in the lives of the population relies on the assumption that *gacaca* existed in Rwanda before the onset of colonial rule. The literature that explores precolonial justice systems makes no reference to an institution named '*gacaca*'. Instead of being removed from the forefront of the judicial system, the existing evidence points to the colonial period as being the first time that *gacaca* existed in Rwanda as an institutionalised mechanism of delivering justice. Additionally, Clark (2010) asserts that under colonial rule, all male inhabitants – not just those directly involved in cases – were encouraged to attend and participate in *gacaca* sessions.[144] Regardless of whether this colonial *gacaca* was a complete invention of tradition or an adaptation of precolonial dispute resolution practices, it was under colonialism that *gacaca* started to become part of the lives of Rwandan civilians, particularly men.

Away from the focus on state authority, there is also evidence for how Rwandans understood the process of testifying in court spaces during the period of colonial rule; in particular, of their attitudes towards the role of 'truth' in their testimonies. Helen Codere (1973) conducted life-history interviews with forty-eight Rwandans. Although Codere had the intention of analysing broader patterns of social change, a small number of respondents referenced their experiences with justice systems in the period from 1900-60. These interviews include one with a Tutsi man recounting a court case before the *mwami* between two men disputing the ownership of a vassal. The interviewee is quoted as saying, 'Ncozamihigo said Musine had always been his vassal. Bihutu said, "It is a lie. Musine has never been your vassal."'[145] This excerpt suggests that there was an understanding of truth- and lie-telling similar to that found in 'western' courts. The two men made opposing statements about the ownership of the vassal, and as a result Bihutu accused Ncozamihigo of deliberately speaking in an untruthful manner. Yet, Codere goes on to write that her interviewee said 'Both men were most clever with words … Ncozamihigo said, "I did not come to plead my case out of poverty, but to show that I was better with words than Bihutu."'[146] The importance of being 'better with words' suggests that the accusations and defences put before the court were a means of competition in their own right, rather than solely being used to determine who had ownership rights over the vassal. In the interviewee's story, the court dispute was simultaneously about

[144] Clark, *Gacaca*, p. 53.
[145] Helen Codere, *The Biography of an African Society, Rwanda 1900-1960: Based on Forty-Eight Rwandan Autobiographies* (Tervuren, 1973), p. 49.
[146] Ibid., p. 49.

proving who owned the vassal and a way for Ncozamihigo to gain a certain social status over his rival.

Pierre Bettez Gravel (1968) observed dispute resolution mechanisms in Gisaka, eastern Rwanda, during fieldwork undertaken between 1960-1. He describes meetings arbitrated by either assembled neighbours or the chief, depending on who was involved in the dispute, and argues that these were contests of power more than they were contests of rights.[147] Powerful parties brought cases against their social inferiors to teach them their rightful place, and court judgements reflected which party had the support of the community, rather than reflecting legal rights.[148] In this sense, Gravel argues that the courts were linked to wider attempts to consolidate lineage power.[149] Gravel goes on to argue that the place of 'truth' within this contest of power was not how 'western' courts understood the place of 'truth' in trials. He writes that, 'in their own terms, the Banyarwanda did not lie; that is, they did not lie in the sense that they did not utter a falsehood with the intent to deceive.'[150] Gravel contends Rwandans knew whether statements corresponded to facts, but that determining their relation to 'truth' was not how testimonies were judged; rather, statements were considered in terms of which actor made them and what their social standing was.[151] According to both Codere's interviews and Gravel's observations, court testimonies were not solely, or even primarily, truth-telling or -concealing exercises; rather, they were performative speech acts linked to the negotiation of interpersonal hierarchies and wider communal relations.

Justice since independence

After independence in 1962, the government revised the judicial system, creating new courts and integrating those that applied 'customary' law into a single judicial hierarchy: *gacaca* courts at the bottom; followed by canton courts; then the courts of the first instance; the court of appeal; and finally the supreme court at the top.[152] This restructuring was linked to the government's nation- and state-building efforts, with legal pluralism seen as an obstacle to

[147] Pierre Bettez Gravel, 'Diffuse power as a commodity: a case study from Gisaka (eastern Rwanda)', *International Journal of Comparative Sociology*, 9:3-4 (1968), p. 167.
[148] Ibid., pp. 168-9.
[149] Ibid., p. 170.
[150] Ibid., p. 169.
[151] Ibid., p. 169.
[152] Salacuse, *Introduction to Law*, p. 536.

national integration.[153] The unified court system restricted 'customary' law to civil matters, and punishment could only be imposed through written law.[154]

The judicial structure, including *gacaca* courts, increasingly became an instrument of the independent state. Local political authorities supervised – or became – *gacaca* judges, and *gacaca* courts started to follow fixed procedures, take minutes, and hold meetings on fixed days.[155] Reyntjens (1990) conducted observations of *gacaca* trials in Ndora in 1987, giving an insight into how local populations participated in *gacaca* in its post-independence form. In this area, *gacaca* met once a week, hearing four or five cases each time, and Reyntjens states that there was a high level of participation from the local population.[156] He describes how the *conseilleur du secteur* [sector counsellor] presided over the debate, alongside nine male *responsables du cellule* [cell heads], one of whom took minutes.[157] *Gacaca* courts by this point had become structured and formalised, and were integrated into the tools of the independent state more than local courts had been during colonial rule.

The relationship between *gacaca* and the canton courts was more fluid in practice than the official judicial hierarchy would suggest, and this fluidity gives insights into how some Rwandans were able to exert agency in their navigation of court systems. In their 1978 study of judicial litigations, J. Van Houtte et al. argue that the process of escalating cases up the court system was straightforward when the case was taken to *gacaca* first. If one of the parties rejected *gacaca*'s judgement, the case would be taken to the burgomaster, and then, if still not settled, to the canton courts.[158] Yet, they contend that *gacaca* was used in a higher proportion of cases in rural areas than in urban areas: for their data in the rural area of Nyaruteja, over half of cases were taken to *gacaca* first, while across the urban areas of Butare and Ngoma, only 5.5 per cent of cases were dealt with in *gacaca*.[159] These differences suggest that parties to disputes in urban areas acted to bypass *gacaca* courts, and were able to take their cases directly to canton courts. From his analysis of local justice systems in Ndora, Reyntjens (1990) also emphasises the agency of some accusers to choose the court used. He argues that higher numbers of educated Rwandans and business workers went to the canton courts, while agricultural labourers formed 93 per cent of disputants in *gacaca* courts.[160] These findings

[153] Reyntjens, 'Development', p. 123.
[154] Salacuse, *Introduction to Law*, pp. 532-4.
[155] Ingelaere, 'Juridictions gacaca', p. 37.
[156] Filip Reyntjens, 'Le *gacaca* ou la justice du gazon au Rwanda', *Politique Africaine*, 40 (1990), p. 33.
[157] Ibid., p. 31.
[158] J. Van Houtte et al., 'Litiges et besoins juridiques au Rwanda : une enquête préliminaire', *Revue Juridique du Rwanda*, 5 (1981), p. 195.
[159] Ibid., p. 194.
[160] Reyntjens, 'Le *gacaca*', p. 37.

suggest that those with greater social capital were either more likely than agricultural labourers to prefer the litigation system in the canton courts, or were better able to access this system. Certain Rwandans were able to navigate Rwanda's post-independence court systems more easily than others.

Despite these apparent preferences for the canton courts by those with social capital and in urban areas, *gacaca* remained much more widely used by most of the – predominantly rural – population. In Reyntjens' data from Ndora between May and December 1986, approximately 1,200 cases were brought before *gacaca*, compared to eighty-three before canton.[161] These figures imply that, whether through choice or necessity, *gacaca* was the first and only point of contact with the justice system for most Rwandans in this rural area. As well as being a tool of the state, *gacaca* had, by this point, become the most prominent court system in the lives of most Rwandans.

Post-genocide justice systems

After the genocide, the newly established Rwandan government created a new form of post-genocide *gacaca* specifically to deal with genocide crimes, while a separate justice system was put in place for other disputes.[162] Following the model that had been established by the post-independence government, post-genocide Rwanda maintained a tiered system of dispute resolution mechanisms for disputes and crimes that were not related to the genocide: family councils; local authorities; non-genocide *gacaca*; *comite y'abunzi*; and the 'formal' system of legal courts. Most disputes were dealt with in family council meetings or by local leaders, then taken to (non-genocide) *gacaca* if needed, with only a minority referred to the *comite y'abunzi*.[163] Following this stage, cases could be taken on appeal to the courts of the first instance at the district level, but few Rwandans could afford to enter the formal legal courts in this manner.[164]

[161] Ibid., p. 38.
[162] For the destruction of infrastructure during the genocide, see: Scott Straus and Lars Waldorf, 'Introduction: Seeing like a post-conflict state', in Scott Straus and Lars Waldorf (eds.), *Remaking Rwanda: State Building and Human Rights after Mass Violence* (Madison, WI, 2011), p. 13.
[163] Jennie E. Burnet and the Rwanda Initiative for Sustainable Development (RISD), 'Culture, practice and law: women's access to land in Rwanda', in L. Muthoni Wanyeki (ed.), *Women and Land in Africa: Culture, Religion and Realizing Women's Rights* (London, 2003), pp. 197-8; Pamela Abbott et al., 'Women, land and empowerment in Rwanda', *Journal of International Development*, 30 (2018), p. 1009.
[164] Abbott et al., 'Women', p. 1009; Aparna Polavarapu, 'Procuring meaningful land rights for the women of Rwanda', *Yale Human Rights & Development Law Journal*, 14:1 (2011), p. 125.

Of the non-genocide-related dispute resolution mechanisms, only the *comite y'abunzi* were new. They were formally recognised in 2006, and so operated at the same time as post-genocide *gacaca*. *Comite y'abunzi* were mediation committees that took place at the cell level. A committee was composed of twelve 'elected' cell residents who were volunteer *abunzi*, with three *abunzi* deciding each case.[165] The existing research does not provide a precise explanation for how these *abunzi* were elected. Lawyers could assist parties but could not appear before the *abunzi*.[166] Kristin Doughty (2016) argues that *comite y'abunzi* were contextualised within communities and the social relations of everyday life, drawing parallels between them and post-genocide *gacaca* courts.[167] Much like post-genocide *gacaca*, *comite y'abunzi* sessions relied on oral testimonies since there was often an absence of legal documentation, and cases revolved around contested narratives by actors who often had pre-existing social connections.[168] Debates involved accusations regarding individuals' credibility, character, and motivations, rather than just specific forensic or legal details.[169] Sessions were convened weekly and open to the public, with the sessions observed by Doughty in Ndora normally drawing a crowd of between ten and forty people.[170] These sessions in Ndora were held in either the same physical locations as post-genocide *gacaca* courts, or in places nearby.[171] *Abunzi*, parties, and witnesses were members of the local population; the same actors participated in both *comite y'abunzi* and post-genocide *gacaca* courts.[172] *Comite y'abunzi* were tasked with mediating different – and significantly less serious – disputes from post-genocide *gacaca*, and the environment was by no means the same. Nevertheless, they operated within the same communities as post-genocide *gacaca* courts and contained many similarities in their operation and nature as both localised state institutions and social processes of dispute resolution. Not only did post-genocide *gacaca* follow on from a longstanding historical context of justice mechanisms being state institutions impacted by interpersonal connections and community power dynamics, but such dynamics of justice continued alongside *gacaca*, serving to reaffirm continually the expectation that this was how justice was performed in Rwanda.

[165] Polavarapu, 'Procuring', pp. 124-5; United States Agency for International Development (USAID), *An assessment of local resolution of land disputes in two pilot areas: Kabusshinge and Nyamugali cells, Rwanda* (2008), pp. 9-10.
[166] USAID, *Assessment*, p. 10.
[167] Kristin Connor Doughty, *Remediation in Rwanda: Grassroots Legal Forums* (Philadelphia, 2016), p. 129.
[168] Ibid., pp. 128, 136.
[169] Ibid., p. 137.
[170] Ibid., pp. 136, 138.
[171] Ibid., p. 138.
[172] Ibid., p. 138.

Conclusion: continuities with the past

Placing *gacaca* in its historical context reveals that the structures, agents, and understandings of justice found in this post-genocide court system had continuities with justice systems in existence throughout Rwanda's history. Individuals participating and testifying in post-genocide *gacaca* courts necessarily brought with them a set of expectations about how justice would be delivered and how they should act in these spaces, based on their personal experiences and cultural knowledge of how justice had been conducted in Rwanda before this point. Despite the narrative it presented, the post-genocide Rwandan government did not simply revive 'traditional' *gacaca*. There was no one fixed justice process to revive; rather, the history of dispute resolution in Rwanda is one of change and evolution of complex and interrelating systems. *Gacaca* appears to have come into being as a commonplace court system under colonial rule and was later institutionalised by the independent regime, but these processes are best understood as an invention – or at least adaptation – of tradition. This 'tradition' was later reinvented and repurposed by the post-genocide Rwandan state in its efforts to hold all perpetrators of genocide crimes accountable, and to legitimise its proposed solution to both local populations and international observers.

The everyday running of these historical court processes was the preserve of local actors, who were predominantly powerful men with social standing in their communities. These men occupied a dual role as both local authorities and state agents. The national-local hybridity of post-genocide *gacaca* – which created space for prominent local (predominantly male) actors to gain power and authority within these court spaces, and which will be explored in the next chapter of the thesis – was a continuation in this respect of Rwanda's longstanding justice systems.

Ultimately, however, courts have historically been spaces for the projection of state authority into the lives of ordinary Rwandan citizens, and for the production of the state in return. From increases in precolonial state power in the sixteenth century onwards, to the implementation of Belgian colonial rule, and through to the governance of the independent country, the regime in power has increasingly aimed to gain authority over justice structures and the actors who held power within them. The post-genocide regime's creation, use of, and attempts to control post-genocide *gacaca* were a continuation of this legacy, as was *gacaca*'s function as a localised site of state production.

From this analysis of justice systems throughout Rwanda's history, it also becomes clear that they have functioned as social processes of dispute resolution. Personal connections and communal power dynamics played influential roles in court systems situated within local communities and involving actors who had pre-existing relations. Individuals had to negotiate these dynamics in their attempts to resolve disputes. Courts themselves also functioned as spaces through which individuals aimed to negotiate their status within the wider community. Furthermore, rather than truth-telling or -concealing exercises, the evidence suggests that court testimonies were performative stories of events, linked both to the need to convince mediators or judges of a particular version of events, and to the need to negotiate the interpersonal relationships between court participants. This historical contextualisation shows that accused individuals entering post-genocide *gacaca* would have had a set of knowledge and expectations about the need to negotiate interpersonal connections, social standings, and power dynamics to testify and defend themselves successfully in these spaces.

Chapter 2. *Gacaca* as a new public space in post-genocide Rwanda

With this historic and wider context of Rwanda's justice systems in mind, this chapter will consider how post-genocide *gacaca* functioned as a space to tell stories of genocide. This chapter is primarily introductory; it aims to introduce the dynamics of the *gacaca* court space in order to inform this thesis' later analysis of women's trials and testimonies. This chapter draws upon existing research that was undertaken during the *gacaca* process, including observations of trials, interviews with court participants, and localised case studies. An analysis of this literature reveals that *gacaca* had significant continuities with Rwanda's historic and wider justice systems. It was a site and producer of both state power and the state itself; an institution in which prominent local actors held positions of court authority that were granted to them by the state; a social process of dispute resolution that took place in local communities, in which communal power dynamics and interpersonal relations played prominent roles; and a space in which testimonies functioned as something other than primarily truth-telling exercises.

However, *gacaca* was ultimately a new form of public space in post-genocide Rwanda. The nature of the crimes and events being discussed was unique in Rwanda's history. The extent of the regime's reach went far beyond its authority over other justice processes, including with regards to *gacaca*'s geographical placement in local communities across the entire country, the widespread involvement of the local population, and the way that *gacaca* functioned as a site of both state production and 'truth' generation. Significantly for this thesis, and as will be discussed further in later chapters, *gacaca* courts led to the involvement of ordinary Rwandan women in a justice system to a far greater extent than had previously been the case. *Gacaca* was a new public space in which multiple projects – state, local, and individual – were pursued.

To analyse this new public space, clarity is first needed on what, when, and where 'public' is. The term 'public' poses analytical problems in that it is not easily definable, multiple forms of 'public' exist, and the term is used in different ways. In its loosest definition, it could be taken to mean anything that is not 'private', with public spaces being all those not being privately owned and occupied, and public speech being all conversations that do not happen within the private home between intimately related individuals. Such a definition, however, is not helpful in terms of considering what sort of 'public' *gacaca* was.

The nature of 'public' has been debated in European political thought, largely using the theories of Jürgen Habermas and Hannah Arendt as its starting point. This literature relates to

the ways in which 'publics' produce authoritative discourse, as participation in these 'publics' shapes both what is known and the possibilities of talking about what is known. The literature is Eurocentric, often idealistic, and certainly contains disagreements, but it does provide useful ideas for how 'publics' might be conceptualised and loosely defined.

Firstly, it proposes the idea of 'public spheres' of discourse that exist in the domain between private individuals and the state, in which private individuals debate issues and exchange ideas.[173] Although Habermas' theory argues that the ideal 'public sphere' generates a consensus, it is also important to consider how individuals use discourse within 'public spheres' to compete for recognition, acclaim, and access to power.[174] It should also be questioned how pre-existing power dynamics impact who can contribute to these debates, and what each individual is able to say.[175] Finally, it should be considered that 'public spheres' do not necessarily only exist in the domain between private individuals and the state, but also in domains created by the state, whether involving private individuals or not.

Secondly, it is useful to think of 'public' as being situated in 'public space'.[176] Particular locations are not inherently 'public', but they become so when people come together to act and speak within them.[177] Crucially, these spaces involve interactions with a certain form of distance: those between strangers, or at least between people who are not intimately related.[178] In considering discourse within a particular 'public space', it needs to be questioned who has access to that space, how free they are to act within it, and what the norms are of appropriate behaviour there.[179]

---

[173] Craig Calhoun, 'Introduction: Habermas and the public sphere', in Craig Calhoun (ed.), *Habermas and the Public Sphere* (Cambridge, MA, 1992), pp. 2, 7; Alan McKee, *The Public Sphere: An Introduction* (Cambridge, 2012), pp. 4-5; Leena Ripatti-Torniainen, 'Becoming (a) public: what the concept of public reveals about a programmatic public pedagogy at the university', *Higher Education*, 75:6 (2018), pp. 1019-20.
[174] McKee, *Public Sphere*, p. 5; Seyla Benhabib, 'Models of public space: Hannah Arendt, the liberal tradition, and Jürgen Habermas', in Calhoun (ed.), *Habermas*, p. 78; Don Mitchell, 'The end of public space? People's Park, definitions of the public, and democracy', *Annals of the Association of American Geographers*, 85:1 (1995), p. 116.
[175] McKee, *Public Sphere*, p. 5; Seyla Benhabib, 'Models of public space: Hannah Arendt, the liberal tradition, and Jürgen Habermas', in Calhoun (ed.), *Habermas*, pp. 78, 84; Mary P. Ryan, 'Gender and public access: women's politics in nineteenth-century America', in Calhoun (ed.), *Habermas*, pp. 259-60; Don Mitchell, 'The end of public space? People's Park, definitions of the public, and democracy', *Annals of the Association of American Geographers*, 85:1 (1995), p. 116.
[176] Setha Low, 'Public space and the public sphere: the legacy of Neil Smith', *Antipode*, 49:S1 (2017), pp. 155-6.
[177] Janaki Abraham, 'Veiling and the production of gender and space in a town in North India: a critique of the public/private dichotomy', *Indian Journal of Gender Studies*, 17:2 (2010), p. 215; Gert Biesta, 'Becoming public: public pedagogy, citizenship and the public sphere', *Social & Cultural Geography*, 13:7 (2012), p. 686.
[178] Biesta, 'Becoming public', pp. 685, 690; Ripatti-Torniainen, 'Becoming (a) public', pp. 1020-1.
[179] Biesta, 'Becoming public', p. 694; Mitchell, 'End of public space?', p. 115.

Finally, the literature emphasises the idea of change in the nature of the private individual when they act in a 'public' manner. The individual speaking needs to be able to abstract themselves somewhat from their private self to become a publicly acting character, and in turn the publicity afforded to this act affects the character and status of that individual.[180] There is also the need for other individuals to become 'the public' that the acting or speaking individual addresses.[181] In this sense, 'public space' is where private individuals take on particular roles, and in doing so become 'public'.[182] For these individuals, becoming 'public' is simultaneously disciplining and generative of power. Again, however, it is important to consider who can and cannot take on these roles of addressers and addressees, and what happens to particular individuals in terms of perception and status when they perform publicly.

These ideas allow an initial consideration of how *gacaca* was a new Rwandan public space with particular dynamics. In each community, trials took place in a certain location at least one day each week, and at these times these locations became public spaces where a community of individuals who were not all intimately related came together to debate their versions of genocide events. Communal power dynamics impacted who could decide to testify – and who could decide not to testify – and what testifying individuals felt able to say and not say. Speaking in *gacaca* involved a shift in the individual, who spoke in their role as an accused, accuser, judge, witness, or audience member. Their private self blurred with this public role, and the speaker also performed their testimony with the aim of presenting a moral public self. Discussions about culpability created a public knowledge of genocide events and served to determine an individual's status in post-genocide Rwanda. *Gacaca* courts created a public audience of judges, fellow participants, and the general assembly to which each individual spoke, and this audience was composed of members of the local population. The *gacaca* process generated a set of norms regarding appropriate public behaviour in court, including who could speak and when, how debates were structured, and how individuals were expected to behave and tell their stories of genocide.

This chapter will take these introductory ideas about 'public' further, in combination with existing *gacaca* research, to consider firstly how *gacaca* functioned as a public space of local interaction with the state. This consideration moves away from the existing literature's focus on determining whether power in this space lay more at the state or local level, to argue instead that *gacaca* became a public space in which actors pursued multiple state, local, and

[180] Michael Warner, 'The mass public and the mass subject', in Calhoun (ed.), *Habermas*, pp. 378, 382.
[181] Ibid., p. 379.
[182] Mitchell, 'End of public space?', p. 115.

individual projects. The regime projected state power into communities through *gacaca* courts and the creation of local state agents within them, and local communities simultaneously called upon the state to determine localised genocide guilt or innocence, thereby determining which individuals would remain a part of their community and how those individuals would be defined. As well as calling upon the state to make justice decisions relating to the genocide, local actors also asked the state, through *gacaca*, to settle other disputes. In doing so, local communities interacted with *gacaca* to imagine and produce a particular version of the post-genocide state. Additionally, this chapter will argue that *gacaca* courts became public spaces that generated a particular state-authorised 'truth' narrative of what had happened during the genocide. Through this public discourse, local actors negotiated with the RPF regime's wider 'truth' narrative of the genocide, both contesting and creating it in combination with the state. In doing so, local actors contributed to the legitimation of regime authority and to the production of the post-genocide state, while simultaneously creating and defining local post-genocide identities and communities.

Secondly, this chapter will use this understanding of *gacaca* as a court space to consider what the existing scholarship has revealed about what it was like for an individual to testify in this public space. It will argue that testimonies are best understood as performative stories of genocide events designed to achieve an individual's desired trial outcome, but that they also contributed to the regime's production of a 'truth' narrative about the genocide. Additionally, this chapter will highlight that the existing literature on how accused individuals testified has focussed primarily on accused men and has not considered either the testimony of accused women, or the potential role of gender in the process of defending oneself against charges of genocide in *gacaca*. Despite the existing research, it is currently unknown how *gacaca* functioned as a public space for accused women to tell stories of genocide guilt or innocence.

A space of local interaction with the state

Wider scholarship identifies various forms of localised state production in Africa since colonialism, including in border areas, as well as through taxation, elections, and local justice systems. This scholarship has tended to focus on states that are weaker or newer than Rwanda's, but in the context of the need to rebuild the Rwandan state after the destruction of infrastructure

and discrediting of institutions during the genocide, this lens can inform an analysis of the RPF regime's state production post-1994.[183]

A branch of this scholarship contends that while African regimes since colonialism have attempted to regulate border areas, dynamics and agents in these areas have simultaneously contributed to forming the state. Paul Nugent (2019) argues that local actors in border zones in West Africa have played key roles in forming fiscal economies, and in constructing the state politically through the social contract between the 'centre' and the 'margins'.[184] With regards to the Kenya-Somalia border, Julie MacArthur (2019) similarly identifies borderlands as spaces of contestation between states' attempts to define their territory and local actors' imaginings of territorial sovereignty.[185] Significantly, Wolfgang Zeller (2010) contends that local 'chiefs' either side of the Namibia-Zambia border played a key role in state formation in the colonial period, breaking the imagined state : non-state separation and taking on key roles as local actors who engaged with the state.[186] In the process of regimes attempting to create and manage state borders, borderlands became areas of engagement between the state and local actors, and in this process local actors contributed to the creation and definition of the state itself.

As well as local agency in geographical spaces, certain processes that allowed individuals to engage with the state have also contributed to state production in Africa. Ahmed M. Musa et al. (2021) identify that negotiations over taxation in post-1991 Somalia allowed members of trade networks to shape state formation by generating state revenue, creating political grievances, and developing fiscal, personal, and authoritative relations between individuals and the state.[187] Voting in elections has also been identified both as a way for the population to interact peacefully with the state and as a process of state-building, including in post-genocide Rwanda.[188] Rwandan elections, which were largely absent of political opposition, were intrinsically linked to the idea of rebuilding the nation and state in the aftermath of genocide; the RPF and President Paul Kagame employed development discourse throughout their election campaigns. For example, in an article published on 15 July 2017 reporting on a presidential campaign rally held in Gisagara district, the newspaper *News of Rwanda* reported that, in a speech to his supporters, Kagame 'said that development reasons

[183] For the need to state-build after the genocide, see: Straus and Waldorf, 'Introduction', p. 13.
[184] Nugent, *Boundaries,* p. 4.
[185] MacArthur, 'Decolonizing sovereignty', p. 110.
[186] Zeller, 'Neither arbitrary', pp. 7-8.
[187] Musa et al., 'Revenues', pp. 108, 121.
[188] Alain Garrigou, 'La construction sociale du vote: fétichisme et raison instrumentale', *Politix,* 22 (1993), p. 36.

that pushed them to choose him may not be achieved, unless they join hands with him'.[189] This emotive statement connected the role of the individual, the process of voting for Kagame, and the reconstruction of the nation. Taxation and elections have created spaces where individual actors have engaged in forms of state production.

Throughout this wider theoretical literature and empirical research on African states, is the key theory that states have not just been formed 'top-down', but also 'bottom-up'.[190] Christian Lund (2006) contends that when a state institution authorises or sanctions a practice, the respect of this instruction by local people in turn helps to generate the authority and power of that institution.[191] Existing research on dispute resolution processes in South Africa and Sudan highlights that if those local people request something of the state or state institution, they imagine this role of the state and in doing so help to create the state in this way. Adam Ashforth (2004) points to how local communities' demands for the post-apartheid South African state to respond to combined AIDS and witchcraft concerns in formal justice systems helped to create the expectation that this dispute resolution would be a function of the state.[192] Cherry Leonardi (2013) similarly identifies that local people in twenty-first century Sudan used appeals to 'traditional' authority and chiefship to imagine the state as a body that would settle disputes over land, money, and marriage.[193] These case studies show the role of justice systems, and of local communities' agency in determining how these justice systems would be used, in state imagination and formation in Africa.

To examine *gacaca* as space where local African agents and the state interacted to produce both the state and local communities, it is first necessary to examine local and state power in this space separately, drawing upon existing research on *gacaca*. Then, this chapter will go beyond the claims in this existing literature, to consider how these two dynamics combined in the processes of state and community formation in post-genocide Rwanda.

---

[189] News of Rwanda, 'Kagame Reveals Rwandans "Solidarity" As Key To Successful Nation', 15 July 2017, <http://www.newsofrwanda.com/ubuvugizi/32463/kagame-reveals-rpf-solidarity-as-key-to-successful-rwanda/> (accessed 21 November 2018).

[190] Christian Lund, 'Twilight institutions: an introduction', *Development & Change*, 37:4 (2006), p. 674; Veena Das and Deborah Poole, 'State and its margins: comparative ethnographies', in Veena Das and Deborah Poole (eds.), *Anthropology in the Margins of the State* (Santa Fe, 2004), p. 3.

[191] Lund, 'Twilight institutions', p. 675.

[192] Adam Ashforth, 'AIDS as witchcraft in post-apartheid South Africa', in Das and Poole (eds.), *Anthropology*, pp. 141-63.

[193] Leonardi, *Dealing with Government*, pp. 197-8.

Local agency, interpersonal relations, and community power dynamics in *gacaca*

The situation of courts within local communities meant that interpersonal relations and communal power dynamics played a prominent role in court debates, influencing how individuals were able to tell their stories of genocide in these spaces. The nature of *gacaca* as a court space meant that judgements regarding genocide culpability were based on spoken testimony from the accused, accusers, witnesses, and audience members. Crucially, those testifying stood before a general assembly composed of members of their local community. The space was public and open rather than anonymised, and accused individuals sat within the general assembly, alongside survivors.[194] Speakers told their stories to people with whom they had pre-existing social connections and would likely continue living alongside after the trial, if acquitted or released from prison. For example, Doughty (2015) details the trial of 'Claude' in January 2008, where two of the witnesses accusing him of killing his neighbour's daughters were his sisters, and another was the mother of the victims. Claude contested the charges, and Doughty documents the complexities of accusations and defences when the parties involved had pre-existing relationships with each other.[195] Furthermore, due to their localised nature and weekly occurrence, *gacaca* was necessarily situated within the lives of Rwandans. From eighteen months of ethnographic fieldwork across two field sites between 2002-8, Doughty (2016) argues that *gacaca* became part of communities' weekly routines, with trials forming episodes in debates that had already started in the community and would continue afterwards.[196] Stories of genocide were told to, and physically alongside, victims, survivors, relatives, and others who had experienced similar crimes. Pre-existing social relationships, as well as conversations about culpability that occurred outside the court space, impacted how individuals presented their stories of genocide events in court.

As well as these social relations, communal power dynamics impacted who had the ability to speak in *gacaca* and what they felt able to say, making courts hostile environments for many participants. Several scholars have used trial observations and interviews with *gacaca* participants to explore the difficulties faced by many witnesses and victims when testifying. The accused and their allies sometimes used coercion and intimidation in efforts to stop

[194] Linda E. Carter, 'Justice and reconciliation on trial: *gacaca* proceedings in Rwanda', *New England Journal of International and Comparative Law*, 14:1 (2007), p. 45.
[195] Doughty, 'Law and architecture', pp. 419-20.
[196] Doughty, *Remediation*, pp. 22, 27-8.

witnesses testifying against them.[197] In this public space, witnesses who defied these threats had to speak in front of those who had intimidated them, and there are cases where suspects and their families shouted at survivors during their testimonies.[198] Nicole Ephgrave (2015) argues that female victims who testified were particularly vulnerable to intimidation, harassment, social stigma, and retaliation in this society.[199] From deciding whether to testify and what to say, to facing the repercussions of this act, witnessing in *gacaca* was demanding for individuals who spoke against those with the power to harm them outside court.

Gacaca could also be a hostile environment for the accused. With their focus on the problems of upholding 'western' due process standards, *ASF* (2010) and Human Rights Watch (2011) emphasise the lack of respect for the accused's right to be presumed innocent. Both monitoring organisations detail cases where judges declared accused individuals guilty from the start and asked them to prove their innocence.[200] In these trials, the accused testified in the knowledge that they had to change the minds of those who had the power to convict them. Furthermore, other participants faced the risk of becoming an accused individual over the course of the process. Powerful members of the community sometimes made false accusations against individuals to settle other disputes, and Hutus who testified about protecting Tutsis could find that these stories became grounds for accusations against them.[201] For each trial in these social processes of dispute resolution, interpersonal relations and community power dynamics led to the surfacing of some voices and the silencing of others, impacting not just which actors presented their genocide stories in these spaces, but also how they did so.

Some scholars have emphasised that this high degree of local agency in courts was beneficial in allowing communities to deliver their own justice relating to the genocide. Clark is the most prominent voice arguing that the national-local hybridity of *gacaca* allowed local actors to gain agency in the implementation of this justice. His 2007 article argues that *gacaca*'s basis in broad legal statutes allowed a high degree of communal adaptation of the process to suit each local community's own needs.[202] In his 2010 book, he argues that communities were

[197] Buckley-Zistel, "'Truth heals"', pp. 120-1; Ulrika Funkeson et al., 'Witnesses to genocide: experiences of witnessing in the Rwandan *gacaca* courts', *Peace and Conflict*, 17:4 (2011), p. 382.
[198] Karen Brounéus, 'Truth-telling as talking cure? Insecurity and retraumatization in the Rwandan *gacaca* courts', *Security Dialogue*, 39:1 (2008), p. 68.
[199] Nicole Ephgrave, 'Women's testimony and collective memory: lessons from South Africa's TRC and Rwanda's *gacaca* courts', *European Journal of Women's Studies*, 22:2 (2015), pp. 181-2, 188.
[200] ASF, *Rapport analytique n°5*, p. 34; Human Rights Watch, *Justice compromised*, pp. 33-4.
[201] Jennie E. Burnet, '(In)justice: truth, reconciliation, and revenge in Rwanda's *gacaca*', in Alexander Laban Hinton (ed.), *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence* (New Brunswick, 2010), pp. 113-14.
[202] Phil Clark, 'Hybridity, holism, and traditional justice: the case of the *gacaca* courts in post-genocide Rwanda', *George Washington International Law Review*, 39:4 (2007), p. 774.

able to use the courts to achieve a 'holistic' response to genocide, as *gacaca*'s legal and social concerns allowed local populations themselves to address the aims of truth, peace, justice, healing, forgiveness, and reconciliation.[203] Similarly, Christine Venter (2007) contends that *gacaca* allowed Rwandan people to craft their own response to the question of post-genocide justice, and points to the benefits of whole-community engagement in the process.[204] These scholars see the devolution of power to local populations as inherently helpful in empowering local communities' search for post-genocide justice.

Localised state production in *gacaca*

However, although both community dynamics and the place of local agency in courts were important in impacting *gacaca* as a public space to tell stories of genocide, these dynamics alone are not sufficient to gain a full understanding of these court spaces. The RPF had ultimate control over the deliverance of justice relating to the genocide. *Gacaca* formed one of many institutions and spaces through which the post-genocide regime attempted to project political power into local communities. Reyntjens (2011) argues that the RPF regime has aimed for 'full control over people and space' in its use of the army and law, its intelligence capability, and the forced movement of people into camps and villages.[205] The government exerted control over *gacaca* through the elimination from its jurisdiction of Rwandan Patriotic Army (RPA)-perpetrated crimes during the genocide; the presence of state officials at trials; and forced communal participation.[206]

In turn, the process led to the production of power for the regime, as well as to the construction of the state itself through the interaction between *gacaca* and local communities. This interaction and localised state construction can be seen most evidently through the position and agency of the *inyangamugayo* [*gacaca* judges]; the reliance of communities on the state to deliver justice relating to the genocide; local actors' appeals to the state, through *gacaca*, to intervene in other disputes that were not related to the genocide; and localised negotiation and complication of the regime's state-authorised 'truth' of the genocide. *Gacaca* thereby became a public space of local-state interaction, as well as one in which multiple state, local, and

[203] Clark, *Gacaca*, pp. 27, 31.
[204] Christine M. Venter, 'Eliminating fear through recreating community in Rwanda: the role of the *gacaca* courts', *Texas Wesleyan Law Review*, 13:2 (2007), pp. 580, 589-92.
[205] Reyntjens, 'Constructing', pp. 2, 15-17.
[206] Timothy Longman, 'Trying times for Rwanda: reevaluating *gacaca* courts in post-genocide reconciliation', *Harvard International Review*, 32:2 (2010), pp. 51-2; Thomson, 'Darker side', pp. 379-80; Thomson and Nagy, 'Law, power', pp. 23-6.

individual projects were pursued. It sits alongside the voting processes, taxation, and court systems discussed in the broader literature as an example of bottom-up African state formation through communities' use of, and demands upon, a state institution.

Firstly, the creation of *inyangamugayo* roles by the state led to certain individuals becoming simultaneously both state and local agents. These judges were elected from among the local community and given power by the state to run court debates and make decisions about genocide culpability. There is not much existing research on precisely who these individuals were, especially at the level of the individual court. However, it is known that social capital served as the main criterion for election as an *inyangamugayo* (normally translated directly as 'person of integrity'), as judges needed to have a reputation as being upstanding members of the local community, innocent of the genocide, and trustworthy.[207] *Inyangamugayo* tended to be men with social standing in their communities, who often held positions within local churches, church organisations, or government.[208] They also tended to be individuals with enough economic security to allow them to forego income on the days they served, unpaid, as judges.[209] Moreover, serving as a judge further increased many individuals' social status within their communities, and some judges were able to use their positions to help them achieve roles in local government.[210] Benches of judges were composed predominantly of male members of local communities who already had some form of communal power and authority. Becoming a judge in *gacaca* was also a way of investing in and furthering that social standing. It was these judges who held the formal roles of authority over how *gacaca* courts and debates functioned in each local community. Significantly, however, these local actors were not inseparable from the Rwandan state, but rather became agents of it when taking on these roles. *Inyangamugayo* were not dissimilar from 'chiefs' at borderlands or in law courts who have been identified in the wider literature as playing key roles in localised state production, nor from the local state actors who had taken on roles in courts throughout Rwanda's history. These individuals became the actors who had local and state authority to deliver justice relating to the genocide. They negotiated between individuals' and communities' narratives of the genocide and ideas about justice, and the state's narratives of genocide culpability. It was the state that granted these actors authority and legitimacy in court,

[207] Hollie Nyseth Brehm et al., 'Producing expertise in a transitional justice setting: judges at Rwanda's *gacaca* courts', *Law & Social Inquiry*, 44:1 (2019), pp. 78-9, 84, 89-90.
[208] Chakravarty, *Investing*, pp. 279, 286, 315.
[209] Ibid., pp. 274-5, 283.
[210] Hollie Nyseth Brehm et al., '"We came to realize we are judges": moral careers of elected lay jurists in Rwanda's *gacaca* courts', *International Journal of Transitional Justice*, 14:3 (2020), pp. 454-5; Chakravarty, *Investing*, p. 291.

but in undertaking these positions, running the courts, and delivering verdicts related to the genocide, it was these local individuals who not only ensured the functioning of the regime's post-genocide justice process and helped to grant it legitimacy, but who also played a prominent role in forming this institution of the state and generating a wider expectation that the state would intervene in local communities in this way.

Secondly, the reliance of communities on the state to intervene locally and deliver justice relating to the genocide generated power for the regime and helped to construct a certain image of the state. In her analysis of the institutional environment of *gacaca* and the patronage networks created by interactions between individual actors and the state, Anuradha Chakravarty (2016) argues that each participant's actions allowing the performance of *gacaca* justice – including confessions, denouncements, and the decision to become a judge – legitimised both the justice administration and the wider right to rule of the RPF regime, thereby increasing the regime's power.[211] This involvement of the local community in *gacaca* trials not only helped to legitimise the regime's authority, but it also helped to generate the post-genocide state as an institution that would intervene in local communities. Individuals who testified and acted in each trial appealed to the state to deliver justice. The assembly of local communities each week in physical locations turned these spaces into the particular public space of a *gacaca* court. The benches that participants sat on created the physical apparatus of the state in their locality. Actors who took on roles as judges wore blue, green, and yellow sashes, which signalled them as state actors and created a further materiality of the state in these spaces.[212] Local people completed, and thereby created, formal state documentation during trials. Judges recorded verdicts, summoned witnesses, and documented confessions and guilty pleas on state-issued forms.[213] The secretary of the judges took minutes, and the judges used all these documents to compile files for each of the accused.[214] These actions meant that local actors brought a certain version of the state into their communities, and generated a certain version of the state in return. *Gacaca* was in many respects created in a top-down fashion, since the RPF mandated that communities would participate in this post-genocide justice process, but this local participation in turn allowed *gacaca* to function, generated power for the regime, and produced a particular version of the post-genocide state.

[211] Chakravarty, *Investing,* pp. 319-20.
[212] Bornkamm, *Rwanda's Gacaca*, p. 66.
[213] Chakravarty, *Investing*, p. 144; Emil Towner, 'Documenting genocide: the "record of confession, guilty plea, repentance and apology" in Rwanda's *gacaca* trials', *Technical Communication Quarterly*, 22:4 (2013), pp. 285-6.
[214] Chakravarty, *Investing,* p. 144.

Furthermore, in a way that was not planned by the regime, members of local communities appealed to the state through *gacaca* to intervene in other disputes and concerns that were not directly related to the genocide. Burnet's interviewees (2008) reported that *gacaca* became a forum in which people attempted to use genocide accusations to enact longstanding revenge against Hutu individuals for alleged anti-Tutsi racism in the pre-genocide period.[215] They also reported that some individuals used genocide accusations in *gacaca* to resolve land disputes, take other individuals' jobs, and settle family disputes by having relatives imprisoned.[216] It was not the regime's intention for *gacaca* to hear or settle these disputes, but it was how certain members of communities chose to use the newly created public space. Although not necessarily explicitly, since these disputes were often settled under the guise of genocide accusations, local actors helped to create a post-genocide state that intervened in the lives of communities in other, commonplace, disputes.

Finally, through their participation in *gacaca*, local actors helped to negotiate, generate, and complicate the regime's 'truth' narrative of the genocide. The RPF claimed that *gacaca* would reveal the 'truth' about genocide events.[217] In turn, *gacaca*'s 'truths' helped to produce power for the regime and allowed it to build a particular version of the post-genocide state.

A space of 'truth' generation

The claim that *gacaca* would reveal the 'truth' of genocide was situated within, and appealed to, wider international expectations of transitional justice institutions. Linked to claims about the relations between truth-telling, healing, and reconciliation, transitional justice institutions have often been implemented with the aim of revealing truths about past atrocities, without fully problematising what those truths actually are, whether they exist, and what the political and societal consequences might be of creating justice- and state-authorised truth narratives about contested past events.[218] Despite this state claim, *gacaca* is not best understood as a truth-telling mechanism. As will be explored in more detail later in this chapter when considering the existing literature on individuals' testimonies, the punitive nature of the process meant that

[215] Burnet, 'Injustice of local justice', p. 184.
[216] Ibid., pp. 186-7.
[217] Maya Sosnov, 'The adjudication of genocide: *gacaca* and the road to reconciliation in Rwanda', *Denver Journal of International Law and Policy*, 36:2 (2008), p. 136; Lars Waldorf, 'Mass justice for mass atrocity: rethinking local justice as transitional justice', *Temple Law Review*, 79:1 (2006), p. 68; Ingelaere, '"Does the truth"', p. 509.
[218] Daly, 'Truth skepticism', pp. 23-7; Chapman, 'Truth finding', pp. 91-6; Clark, 'Transitional justice', pp. 242-53.

some participants were incentivised to lie, while others seemingly did not want to give their full recollection of genocide events in this environment. The notion that *gacaca* could reveal the truth of genocide also assumes the presence of an objective, independent 'truth' of genocide events that individuals either chose, were pressured, or were influenced by cultural norms not to reveal. It does not consider that multiple individuals might experience a single event in different ways, and therefore that different 'truths' of that event might exist in different minds. Even for one individual, it assumes that a person can, and does, know the 'truth' of their genocide involvement: that they have full knowledge of what they did, when they did so, and why they chose to act in a particular way. It was unrealistic, and even impossible, for *gacaca* to be a space that revealed the 'truth' about genocide events.

Nevertheless, the regime's claim that *gacaca* would reveal this 'truth' had a political importance in itself. Although not a space of 'truth' revelation, *gacaca* became a space of 'truth' generation. An existing literature on the regime's construction of an official history of the genocide shows how local communities' discussions in *gacaca* fit into a wider and powerful political 'truth' that the regime was attempting to construct about what the genocide was, who its perpetrators were, and what it meant to be guilty of genocide. *Gacaca* sat alongside public genocide memorials, annual genocide commemoration events, laws concerning 'Rwandicity', 'divisionism', and 'genocide ideology', and the elimination of political opponents, as one of the mechanisms and spaces used by the government to construct an official state-sanctioned history – or 'truth' narrative – of the genocide.[219] This narrative in turn served to legitimate the regime's rule. Local actors' involvement in the negotiation of this 'truth' narrative of the genocide in *gacaca* simultaneously helped to construct the post-genocide state, while also defining and creating their own post-genocide local communities.

Much of the RPF's 'truth' narrative of the genocide was undoubtedly constructed and imposed in a top-down fashion by the regime itself. Its narrative of the genocide was that the Hutu government's politicisation of ethnic tensions was the principal driver of the genocide, while the origins of these divisions could be traced back to European rule.[220] The RPF's narrative proclaimed that precolonial Rwanda had been a place of unity and peace until European colonisers imported racial ideology as part of their strategy to divide and rule the population.[221] The 1999 public genocide commemoration ceremony explicitly denounced

[219] Ingelaere, '"Does the truth"', pp. 521-2; Jessee, *Negotiating*, p. 586.
[220] Laura Eramian, 'Neither obedient nor resistant: state history as cultural resource in post-genocide Rwanda', *Journal of Modern African Studies*, 55:4 (2017), p. 629.
[221] Ibid., p. 624; Helen Hintjens, 'Post-genocide identity politics in Rwanda', *Ethnicities*, 8:1 (2008), p. 15.

postcolonial Hutu politicians who had exploited these colonial ethnic divisions firstly to take power and then to massacre Tutsis.[222] To explain ordinary civilians' participation in the violence, the RPF regime contended that the 'obedient' Hutu majority followed orders to kill because they had been manipulated by the extremist government's ethnic propaganda.[223] As well as this narrative of how ethnic tensions had been created and then manipulated to convince Hutus to commit genocide, the RPF also presented the 'truth' that the international community was complicit in the genocide. The British newspaper *The Times* reported that Kagame's address in Rwanda's national stadium at the 2004 commemoration ceremony specifically condemned French culpability for the genocide. Kagame is recorded as saying that 'they [the French army] knowingly trained and armed the government soldiers and militias who were going to commit genocide and they knew they were going to commit genocide.'[224] Such a public denouncement from Kagame was not unusual. The RPF commonly emphasised this second aspect of the narrative at genocide commemoration ceremonies; events that had an international as well as domestic audience.[225]

In addition to constructing a narrative around how the genocide had occurred, the RPF regime also created a set of 'truths' regarding who had perpetrated the genocide and who had been victims of it. In conjunction with the elimination of the discussion of ethnicity from public discourse, the fixed categories of genocide perpetrator, survivor, victim, and bystander became the new primary markers of individuals' post-genocide identities.[226] Increasingly, the RPF's 'truth' narrative of perpetration mapped onto the rhetoric of both pre-genocide ethnic terms and these post-genocide categories to divide the population into Tutsi victims and Hutu perpetrators. The first annual genocide commemoration ceremony in April 1995 depicted both Hutus and Tutsis as victims, but from the following year, these events presented Hutus as perpetrators and Tutsis as victims.[227] The decision to refer officially to the events of 1994 as 'the 1994 genocide against the Tutsi' further established Tutsi victimhood in public

[222] Vidal, 'Commémoration', p. 586.
[223] Erin Jessee, 'The danger of a single story: iconic stories in the aftermath of the 1994 Rwandan genocide', *Memory Studies*, 10:2 (2017), p. 149.
[224] Charles Bremner, 'French walkout over blame for Rwanda genocide', *The Times*, 8 April 2004, p. 16, < http://ezphost.dur.ac.uk/login?url=https://www.proquest.com/newspapers/french-walkout-over-blame-rwanda-genocide/docview/319055190/se-2> (accessed 13.09.2022).
[225] Jennie E. Burnet, 'Whose genocide? Whose truth? Representations of victim and perpetrator in Rwanda', in Alexander Laban Hinton and Kevin Lewis O'Neill (eds.), *Genocide: Truth, Memory, and Representation* (London, 2009), pp. 95-6.
[226] Jessee, *Negotiating*, p. 17.
[227] Sarah Kenyon Lischer, 'Narrating atrocity: genocide memorials, dark tourism, and the politics of memory', *Review of International Studies*, 45:5 (2019), p. 818.

discourse.[228] The RPF allowed no public discussion of RPA killings of civilians during the genocide.[229] It also created the Rwandan-specific term *génocidaire* to refer to individuals who had committed crimes related to the genocide, and increasingly this term came to mean a Hutu civilian who had been involved in the perpetration of genocide.[230] These narratives and terminology removed from public discourse the possibility of individuals existing outside a Hutu perpetrator : Tutsi victim dichotomy of genocide involvement.[231] Although not necessarily explicitly, this aspect of the RPF's genocide 'truth' served increasingly to associate all Hutus with the assumption of at least some level of genocide guilt.[232]

Regardless of their accuracy, these official narratives of the genocide served important political functions, generating legitimacy and power for the RPF regime, and allowing it to justify its use of the post-genocide state. The denial of ethnicity in the post-genocide period allowed the RPF to suppress opposition and ignore the Tutsi domination of post-genocide public institutions, while the determination of who had perpetrated the genocide allowed the RPF to create a narrative of Tutsi victimhood that justified its rule.[233] By presenting the Tutsi population as longstanding victims of the colonial and then postcolonial regimes' creation and politicisation of ethnic divisions, and simultaneously presenting the RPF regime as the heroic agents who had ended the genocide, the RPF aimed to secure its moral authority to rule. These narratives allowed the regime to position itself as the rightful leadership to rebuild Rwanda and allow the country to return to the allegedly peaceful and unified precolonial version of itself.[234] The presented victimhood of the regime, in conjunction with the emphasis on the international community's complicity in the genocide, allowed the regime to avoid, or at least deflect, criticism of its domestic and foreign policies, including from international audiences.[235] By creating these 'truths' about the genocide, the regime gave legitimacy to its role both nationally and internationally in the punishment of perpetrators, the reconciliation of communities, and

[228] Erin Jessee, 'Commemorating genocide in Rwanda', in Guy Elcheroth and Neloufer de Mel (eds.), *In the Shadow of Transitional Justice: Cross-national Perspectives on the Transformative Potential of Remembrance* (London, 2022), p. 35.
[229] Burnet, 'Whose genocide?', p. 91; Sosnov, 'Adjudication', p. 139.
[230] Jessee, *Negotiating*, pp. 3, 17.
[231] Burnet, 'Whose genocide?', p. 80.
[232] Ibid., p. 80.
[233] Megan C. Laws, 'Recycled rhetoric: examining continuities in political rhetoric as a resilience strategy in pre-independence and post-genocide Rwanda', *Journal of Modern African Studies*, 59:2 (2021), p. 191; Reyntjens, 'Constructing', pp. 27, 30
[234] Eramian, 'Neither obedient', pp. 624, 629; Marie-Eve Desrosiers and Susan Thomson, 'Rhetorical legacies of leadership: projections of "benevolent leadership" in pre- and post-genocide Rwanda', *Journal of Modern African Studies*, 49:3 (2011), pp. 445-9.
[235] Vidal, 'Commémoration', p. 590; Filip Reyntjens, '(Re-)imagining a reluctant post-genocide society: the Rwandan Patriotic Front's ideology and practice', *Journal of Genocide Research*, 18:1 (2016), pp. 61-8.

the rebuilding of the post-genocide nation. Creating and controlling the narrative of the genocide allowed the RPF to justify its construction of an extensive, and often repressive, post-genocide state to achieve these declared aims.

Yet, this RPF 'truth' of the genocide was neither uncomplicated, formulated immediately following the genocide, nor without any contradictions. These contradictions and omissions in the narrative that the regime started to construct in the aftermath of genocide allowed space for local actors and communities in *gacaca* to negotiate and complicate this narrative of genocide. For instance, the existing scholarship suggests, but does not problematise sufficiently, that the RPF's narrative of perpetrators did not fully consider the potential agency of women in this respect. The cultural belief – within Rwanda but also reflective of an international trope – that women are natural peacebuilders played a significant role in the regime's post-genocide drive to include more women in politics.[236] As well as this top-down narrative that women were associated generally with peacefulness rather than violence, Jessee (2017) argues that Rwandan women and children were specifically depicted at the state's genocide memorials as being innocent and unable to cause suffering.[237] Similarly, Johanna Mannergren Selimovic (2020) contends that depictions of women at these memorials presented them as either 'passive rape victims' or 'moral mothers', removing the possibility of women's active agency during the genocide.[238] There was therefore a potential contradiction in the RPF's narrative between the assumption of near-total Hutu guilt, and the narrative of widespread female passivity. Although not addressing this state narrative of women's involvement in its entirety, since *gacaca* was just one part – if a crucial one – of the regime's 'truth' generation, the *ASF* report set of women's *gacaca* trials can provide a significant and novel insight into this potential contradiction. This evidence will allow a consideration of the 'truths' that this state institution and the local actors who participated in it jointly constructed of women's genocide involvement.

Additionally, a further, and crucial, 'truth' that the RPF regime constructed about the genocide was in relation to what it meant to have committed a genocide act, or to have acted with the intent to commit genocide. This understanding of genocide guilt was necessarily situated within a wider international context and understanding of genocide, but it was also particular to Rwanda. As a concept, the term 'genocide' perhaps raises more questions than it

[236] Uwineza and Pearson, 'Sustaining', pp. 15-16.
[237] Jessee, 'Danger', p. 149.
[238] Johanna Mannergren Selimovic, 'Gender, narrative and affect: top-down politics of commemoration in post-genocide Rwanda', *Memory Studies*, 13:2 (2020), pp. 132, 141.

answers about the nature of certain acts of violence. It is beyond the scope of this thesis to explore the international community's understanding of genocide and the philosophical, moral, and legal questions that it raises in much detail, but some background of the term is useful for an understanding of how the Rwandan government chose to portray and label genocide guilt. Genocide was defined by the 1948 United Nations Genocide Convention as an attempt to annihilate, in whole or in part, a national, ethnic, racial, or religious group.[239] This emphasis on motivation in the definition of genocide means that, in international criminal courts, prosecutors must prove that the accused acted with the intent to commit genocide: that they were acting with the desire not just to harm or kill the individual victim in front of them, but that harming or killing that individual was, for the perpetrator, part of a wider and sustained attempt to destroy the victim's group.[240] The terms 'genocide' or 'genocidal' therefore ascribe a particular narrative to an act of violence, understanding it as part of a collective effort against a collective of victims. With that narrative also comes a moral judgement about the nature and intent of the violence, with a widespread belief that it is worse to kill someone in a 'genocidal' act against their national, ethnic, racial, or religious group than it is to kill someone in a 'non-genocidal', interpersonal act against an individual.[241]

Especially, but not exclusively, at the level of an accused individual, the direct application of this concept to define an act of genocide, or to determine genocide guilt, is difficult, morally ambiguous, and open to significant interpretation. The international definition of genocide relies upon the existence of multiple perpetrators attempting to destroy a group of people; it is questionable therefore how an individual on trial can be held responsible for an inherently collective crime with a supposedly collective motivation.[242] The international understanding of genocide also raises the question of why the harm of, or intention to destroy, a particular group is morally worse than the harm of, or intention to kill, one person or lots of disparate people.[243] What, for example, is it that makes a crime committed with 'genocidal' intent worse than one committed during a genocide but for other reasons? Furthermore, it should be asked how the presence of an accused individual's intent to commit genocide could be known, especially if they denied this motivation. The concept of 'genocide', as outlined in

[239] Erin Jessee, 'Seeing monsters, hearing victims: the politics of perpetration in postgenocide Rwanda', in Kjell Anderson and Erin Jessee (eds.), *Researching Perpetrators of Genocide* (Madison, WI, 2020), p. 67.
[240] Alexander Laban Hinton, 'The darker side of modernity: toward an anthropology of genocide', in Alexander Laban Hinton (ed.), *Annihilating Difference: The Anthropology of Genocide* (Berkeley, CA, 2002), p. 6; Larry May, *Genocide: A Normative Account* (Cambridge, 2012), pp. 2-3.
[241] May, *Genocide*, p. 1; Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, NY, 2008), p. 2.
[242] May, *Genocide*, p. 8.
[243] Ibid., p. 8.

international law, is therefore inherently slippery and difficult to define at the level of the individual, morally as well as legally in a court of law.

Precisely what it meant to be guilty of genocide was one of the 'truths' that the RPF regime attempted to construct about the genocide, and the inherent ambiguity of this guilt created space for local communities in *gacaca* to play a crucial role in the formation of this state 'truth'. *Gacaca* courts played the fundamental role in the state's determination of what constituted genocide culpability. They were the primary state process of determining and declaring who was a genocide perpetrator and who was a victim, since the narrative accepted by the bench in its verdict became the court- and state-generated knowledge of how the genocide had occurred and who had – or had not – participated in it. Through local communities, the state used *gacaca* to determine not only what roles people played during the genocide, but also what constituted moral genocide guilt or innocence, beyond the legal classification of crimes.[244] Yet, it was members of communities in *gacaca* courts who played crucial roles in debating what it meant for an act to be 'genocidal' beyond simply being violent, as well as what it meant for a person to have acted with the intention of committing genocide and therefore to have been a genocide perpetrator. In doing so, they contributed to the generation, negotiation, and complication of the regime's wider 'truth' of the genocide.

The moral judgements about culpability that local actors – especially *inyangamugayo* – made in *gacaca* were not undertaken in isolation. As well as the wider international understanding of genocide, they were situated within a context of the Rwandan state's concerns and laws regarding what it termed 'genocide ideology'. This 'genocide ideology' was a narrative, defined by a state-generated set of legislation, that contended that certain individuals had harboured, and continued to harbour, a will to exterminate the Tutsi ethnic group, and that these psychologies needed to be uncovered and punished by the post-genocide state.[245] The term was fixed in law in 2008, although individuals were arrested on 'genocide ideology' charges before this point.[246] In addition to presenting a narrative of genocide perpetrators' past and present internal mentalities, this legislation also allowed the RPF to narrow further the scope of legally acceptable public discourse about ethnicity and the genocide, and to use the law to silence forms of opposition to the regime.[247]

[244] Doughty, 'Law and architecture', pp. 419, 427.
[245] Geraghty, 'Gacaca', p. 596; Larissa Begley, 'The RPF control everything! Fear and rumour under Rwanda's genocide ideology legislation', in Susan Thomson et al. (eds.), *Emotional and Ethical Challenges for Field Research in Africa: The Story Behind the Findings* (Hampshire, 2013), pp. 72-3.
[246] Begley, 'RPF', p. 73.
[247] Ibid., p. 73.

Despite this attempt to control public discourse about the genocide, even this aspect of the regime's 'truth' of the genocide was neither fixed entirely, nor fully controlled by the regime. Although *gacaca* was not officially tasked with uncovering 'genocide ideology', since these crimes were technically contemporary, post-genocide, crimes and should have been taken to other courts, the implementation of this legislation and imprisonments for genocide ideology took place concurrently with *gacaca*, and this understanding of genocide guilt permeated *gacaca* courts.[248] *Gacaca* became both a state and community space in which the state, local individuals, and individuals who occupied the dual position of being both local and state actors, acted together with the aim of rooting out from local and national society those Hutu individuals who had harboured – and therefore potentially continued to harbour – the intent to commit genocide against the Tutsi ethnic group. *Gacaca*, and the local actors that took part in it, played a crucial role in the construction of the RPF's narratives that it was the saviour of the current Rwandan population, and that it was creating and using state institutions to protect its people.

Not only did local actors play a crucial role in this process of 'truth' generation and state production, but it is important to note also that *gacaca* courts' verdicts did not always fit neatly with the RPF's wider 'truth' of the genocide. There were contradictions across courts in terms of the verdicts reached and individual 'truths' constructed, meaning that the RPF's wider 'truth' of the genocide was simultaneously upheld, negotiated, and challenged by the *gacaca* process. For example, the individualisation of genocide trials led to some Hutu individuals being found innocent, challenging the narrative of presumed near-total Hutu guilt at least to some extent at the levels of individuals and communities. Nevertheless, despite individual trials not always fitting into the RPF's wider 'truth' of the genocide, at a population level the conviction of such a high proportion of the Hutu population served to help construct the regime's narrative of widespread Hutu involvement and guilt. Furthermore, the report set allows a consideration – in later chapters – of what state 'truths' the process constructed of women's participation and motivations. The reports reveal a tension between two contrary elements of the state's wider 'truth' of genocide: on the one hand the victimhood and passivity of women, and on the other hand the universality of Hutu 'genocide ideology'.

Gacaca courts were not simply top-down state institutions, but were also localised and contested spaces in which communities – and in particular certain powerful members within those communities – could in varying instances negotiate, debate, construct, support, and

[248] Geraghty, 'Gacaca', p. 596.

challenge the regime's 'truth' narrative of the genocide. Like the regime's wider narrative itself, this process was neither uncomplicated nor without contradictions. The local actors who took part in *gacaca* used discussions of culpability to negotiate, construct, and define their post-genocide communities. With the authority of the state, *gacaca* verdicts labelled members of communities according to their alleged roles during the genocide. They also decreed which individuals could remain in their communities as survivors, bystanders, witnesses, and innocent people; which individuals should be removed from their communities due to their status as guilty *génocidaires*; and which individuals could return to their communities, whether after being detained in prison and then being found innocent, being released on the basis of time served, or having a date in the future when they would be able to return as *génocidaires* who had served their punishment. The creation, implementation, and weekly occurrence of this state institution forged a public space in which state and local actors combined to negotiate 'truths' of the genocide, define and create post-genocide communities, generate power and legitimacy for the RPF regime, and produce a particular version of the post-genocide state.

Testimonies in *gacaca*

This understanding of *gacaca* as a localised state court space now permits a consideration of how accused individuals testified publicly in these environments. The existing scholarship has addressed this question to some extent, although significant gaps remain. The testimonies of accused individuals constituted both speech acts that could be pre-prepared – such as accused individuals' initial defence testimonies – and the fragments of more spontaneous testimony that accused individuals gave in response to questions and interventions from judges, witnesses, and audience members. In the absence of other evidence, this spoken testimony was crucial in determining the outcome of trials; an accused individual's spoken performance was their primary means of persuading the court to accept their version of genocide events. A branch of the existing literature on testimonies in *gacaca* is concerned with asking whether the testimonies told gave the 'truth' of an individual's genocide involvement. However, with *gacaca*'s status as a 'truth'-generation rather than 'truth'-revelation space in mind, a review of the research on individuals' motivations for speaking in certain ways in *gacaca* reveals that these testimonies are best understood as performative stories of genocide designed to achieve an individual's desired trial outcome and have their version of events accepted as the court's 'truth', rather than simply being truth-telling or -concealing exercises. Methodologically, it is

hard to access the precise motivations of individuals for delivering certain testimonies in *gacaca*. The existing research has drawn primarily upon interviews, ethnographic observations, and surveys to ask why individuals testified as they did. However, it should be recognised that this work contains assumptions about the possibility of knowing fully another person's internal reasoning for an action, even where that individual declares what that reasoning is. For this reason, this thesis resists making definitive claims about why individuals chose to testify as they did. Despite this difficulty, the literature points to individuals in *gacaca* having multiple and varying complex motivations for presenting their testimonies in certain ways. Some used *gacaca* as a space to confess with the apparent aim of receiving forgiveness for their genocide crimes. However, for most, *gacaca* was an environment where they seemed to give testimony with the aim of achieving a lesser sentence or an acquittal. Furthermore, an analysis of the literature on accused individuals' testimonies shows that they were often testifying not just to defend themselves against the precise charges of which they were accused, but also to present a moral, 'non-genocidal', version of their present-day selves. Significantly, however, this literature draws upon an evidence base of accused men. It does not consider how women defended themselves in these spaces, nor whether ideas about gender impacted how individuals testified in these spaces. It also does not address fully how accused individuals' public *gacaca* testimonies contributed both to the state-authorised 'truth' of the genocide, and to the production of the post-genocide state.

Truth-telling testimonies?

In line with much of the scholarship on *gacaca* being concerned with its truth-telling aims, several scholars have asked whether, and which, genocide 'truths' were revealed in testimonies. This branch of the research reproduces assumptions about the relations between truth-telling, healing, and reconciliation, and about the possibility of such a 'truth' existing for *gacaca* testimonies to reveal. After interviewing survivors, Burnet (2010) and Anne-Marie de Brouwer and Etienne Ruvebana (2013) emphasise that *gacaca* allowed some survivors to discover the truth about what happened to their loved ones, and that this information was important in allowing them to move forwards.[249] In keeping with his positive assessment of *gacaca*, Clark (2010) argues that it 'generally succeeded' in its truth-telling and truth-hearing aims.[250] While

[249] Burnet, '(In)justice', p. 102; Anne-Marie de Brouwer and Etienne Ruvebana, 'The legacy of the *gacaca* courts in Rwanda: survivors' views', *International Criminal Law Review*, 13 (2013), pp. 945-6.
[250] Clark, *Gacaca*, p. 189.

he acknowledges the difficulties associated with individuals not always wanting to disclose the full truth of their actions, he contends that the central role of communal negotiation allowed *gacaca* to function as a space where people could speak openly about, and listen to, truths of genocide experiences.[251]

However, most of this literature finds that *gacaca* faced significant difficulties in relation to its truth-telling aim. The central argument that emerges is that individual interests and institutional dynamics hindered the emergence of genocide truths, which in turn affected the reconciliatory function of *gacaca*. Due to *gacaca*'s punitive nature, scholars and monitoring agencies point to incentives for the accused to lie or omit the full truth in their testimonies.[252] The plea-bargaining system also provided incentives for false confessions since the reduction in sentence time meant that many of the accused could secure immediate release from prison if they confessed.[253] Using these assertions that individuals were incentivised to lie or hide the truth, Burnet and Max Rettig have explored how ordinary Rwandans perceived the place of truth in *gacaca*. From ethnographic fieldwork and interviews conducted throughout Rwanda, Burnet (2010) asserts that in some communities, Rwandans dismissed all testimony as composed of lies or half-truths.[254] Using a survey conducted in Sovu, a small rural community near Butare town, Rettig (2011) reports that over 70 per cent of non-survivors and 90 per cent of survivors said that people told lies at *gacaca*, and links this finding to problems rebuilding social trust.[255] For this branch of the literature, the punitive nature of the justice system was incompatible with its aims of extracting truthful stories from individuals, which in turn impacted the reconciliation of populations.

Furthermore, Buckley-Zistel and Ingelaere have both questioned the normative assumption that truth-telling mechanisms were appropriate in Rwanda's cultural context. Buckley-Zistel (2008) emphasises how Rwandans had intentionally silenced some aspects of the past to continue living alongside each other after the genocide, arguing that *gacaca*'s conversations interrupted this 'chosen amnesia' and peaceful coexistence.[256] Ingelaere (2009)

---

[251] Ibid., pp. 189, 192-4.
[252] Valérie Rosoux and Aggée Shyaka Mugabe, 'Le cas des *gacaca* au Rwanda. Jusqu'où négocier la reconciliation?', *Négociations*, 9:1 (2008), p. 36; ASF, *Rapport analytique n° 5*, pp. 46-7.
[253] Sosnov, 'Adjudication', pp. 136-7; Burnet, '(In)justice', p. 102; Penal Reform International, *The contribution of the gacaca jurisdictions to resolving cases arising from the genocide: contributions, limitations and expectations of the post-gacaca phase* (2010), p. 26.
[254] Burnet, '(In)justice', p. 108.
[255] Max Rettig, 'The Sovu trials: the impact of genocide justice on one community', in Straus and Waldorf (eds.), *Remaking Rwanda*, 201-2.
[256] Susanne Buckley-Zistel, 'We are pretending peace: local memory and the absence of social transformation and reconciliation in Rwanda', in Phil Clark and Zachary D. Kaufman (eds.), *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond* (London, 2008), pp. 126, 136.

argues that the imposed truth-telling ideal and direct confrontation of the past at *gacaca* caused social tensions and clashed with 'traditional' Rwandan culture where conversations often hid the truth.[257] His fieldwork findings and argument build on Danielle de Lame's ethnography (2004) of a rural community in Kibuye during the 1980s and 1990s, which argues that Rwandans saw the revealing and concealing of information as a strategic practice, choosing discretion and secrecy as ways of obtaining and maintaining power in social situations.[258] Ingelaere (2020) further argues that, for Rwandans, the moral value of words depends on their usefulness, rather than on their relationship to truthfulness.[259] The idea of *gacaca*'s truth-telling aims being incompatible with Rwandan conceptions of communication is further supported by the findings of Gravel (1968) and Codere (1973) regarding how testimonies were primarily performative speech acts linked to social relations, rather than truth-telling exercises, in Rwanda's colonial and postcolonial justice systems.[260] For this branch of the scholarship, *gacaca*'s 'western' truth-telling aims clashed with the way that Rwandan communities had chosen to continue living alongside each other in the decade following the genocide, as well as with what they had historically considered to be the function of both truth-telling and court testimonies.

While this counterargument to the contention that testimonies revealed truths of genocide is convincing, it does not go far enough to challenge either the underlying assumption that truth-telling is an inherently positive and necessary step in the process of re-establishing peace and allowing reconciliation after mass violence, or the assumption that an objective, independent, and knowable 'truth' of genocide events existed that *gacaca* could reveal. Nevertheless, this argument adds support to the broader contention of this chapter that *gacaca* was a space of state truth generation, not revelation, and that individuals' testimonies should therefore be analysed as the performative public stories they chose to tell of events, rather than being considered as reflective or otherwise of those events themselves.

Since neither *gacaca* as a space, nor individuals' testimonies themselves, revealed the 'truth' of genocide events, the *ASF* reports of women's trials cannot be used as conclusive historical evidence for what happened during the genocide. When analysing the trials of accused women, therefore, no declarations shall be made about what the testimonies and

[257] Ingelaere, '"Does the truth"', pp. 519-24.
[258] Danielle de Lame, 'Mighty secrets, public commensality, and the crisis of transparency: Rwanda through the looking glass', *Canadian Journal of African Studies*, 38:2 (2004), p. 305.
[259] Bert Ingelaere, 'Assembling styles of truth in Rwanda's *gacaca* process', *Journal of Humanitarian Affairs*, 2:2 (2020), pp. 25-6.
[260] Gravel, 'Diffuse power', pp. 163-76; Codere, *Biography*.

verdicts within them reveal about women's involvement in events during the genocide. Rather, they will be analysed to ask not only whether and how women's trials were impacted by ideas about their gender, but also what public stories women told of their involvement in the genocide, and what 'truths' *gacaca* constructed about Rwandan women's genocide culpability.

Confessing in *gacaca*

Away from debates about whether testimonies in *gacaca* related to the 'truth', other scholarship focusses on what stories of genocide involvement accused individuals told, aiming to uncover their motivations for testifying in different ways. Some individuals chose to tell a story of genocide guilt. A significant minority of accused individuals pleaded guilty and confessed; of the 1,958,634 cases judged in *gacaca*, 1,681,648 (86 per cent) resulted in convictions, of which 225,012 (13 per cent) were based on guilty pleas and confessions.[261] The proportion of confessions was higher for category one and two crimes, which were punished with prison sentences and therefore were eligible for sentence-length reductions for guilty pleas. Of the 60,552 category one cases tried in *gacaca*, 41 per cent involved a confession, and of the 577,528 category two cases, 30 per cent involved a confession.[262] Stories of genocide guilt formed an important part of the *gacaca* process.

The literature has sought to explain why some individuals chose to confess, often linking this act to ideas of remorse, forgiveness, and Christianity. Clark (2010) argues that confession presented the small number of individuals who were remorseful with a chance to ask their community for forgiveness, as well as a way to release themselves from their personal guilt and thereby achieve a form of healing.[263] He contends that confession was linked to some individuals' Christian faith, with clergy and 'confession teams' visiting accused individuals in prison to encourage confessions.[264] Buckley-Zistel (2005) is more critical about the links between Christianity, forgiveness, and the individual confession process. She argues that the state turned the Christian notion of forgiveness into a political strategy and put pressure on the accused and victims to confess and forgive respectively, while the individuals involved were often cynical of this process.[265] It is likely that Christian motivations and remorse did motivate

[261] De Brouwer and Ruvebana, 'Legacy', p. 950.
[262] Nyseth Brehm et al., 'Genocide, justice', p. 340.
[263] Clark, *Gacaca*, p. 268.
[264] Ibid., p. 268.
[265] Buckley-Zistel, '"Truth heals"', p. 125.

some individuals to confess but, as Buckley-Zistel's work suggests, this desire alone is not sufficient to explain all confessors' motivations.

Instead, the evidence suggests that many of those who confessed were motivated by the sentence reductions given for accepted guilty pleas. The sentence-reduction system was designed to incentivise confessions, linked to the government's desire for *gacaca* courts to reveal the 'truth' of genocide and encourage forgiveness and reconciliation, as well as to ease the practical problems of prison overcrowding and a lengthy trial process.[266] Those who confessed were eligible to have their sentence length reduced, and have proportions of their prison sentence turned into community service, depending on the category of their crime and at what point in the trial process the confession was made.[267] Although it cannot be known for certain given the difficulties establishing what happened during the genocide, trial interviews and observations have led to researchers contending that some individuals admitted only to more minor crimes, especially where they thought the community did not know about their more serious crimes.[268] Some individuals are thought to have given false confessions, in the knowledge that they could be released from prison on the basis of time served if such confessions were accepted.[269] It seems also that other accused individuals decided whether or not to confess according to what they believed their chances of a successful defence were. Chakravarty (2016) argues that defendants made calculated decisions to confess based primarily on how many prosecution and defence witnesses would speak at their trial.[270] Chakravarty perhaps puts too much emphasis on a rational choice framework for confession based on the number of witnesses, somewhat overlooking factors such as whether the individual thought their own story of innocence would be believed, and who the individuals testifying for and against them were. Nevertheless, her findings add to those that argue for the presence of false or incomplete confessions to suggest that, rather than being admissions of guilt and requests for forgiveness, public court confessions were in many instances pre-determined choices designed to achieve the best possible outcome for the accused individual. Despite the strong arguments in this scholarship, however, caution must always be taken before asserting why any one individual confessed, since their motivations often remain obscured to the outside observer.

[266] Rosoux and Mugabe, 'Le cas des *gacaca*', p. 33; Waldorf, 'Rwanda's failing experiment', p. 422; Hola and Nyseth Brehm, 'Punishing genocide', p. 69.
[267] Hola and Nyseth Brehm, 'Punishing genocide', p. 71.
[268] Sosnov, 'Adjudication', pp. 136-7; Ingelaere, 'Assembling', p. 26.
[269] Clark, *Gacaca*, pp. 209-10; Ingelaere, *Inside Rwanda's Gacaca*, pp. 63-4.
[270] Chakravarty, *Investing,* p. 168.

A crucial aspect of confession in *gacaca* was that it did not guarantee that the court would accept the individual's guilt and grant a sentence reduction, meaning that individuals made choices not just about whether to confess but also about how to do so. To have their confession accepted by the bench, the accused individual had to give details of the crime's location, victims, and co-perpetrators, and also persuade the judges that this confession was full and accurate.[271] The confessor needed to frame their confession in such a way as to convince the judges that they had met these criteria. Two opposing aspects of this performative nature of confessing are highlighted in the literature. Firstly, it has been identified that confessions were often formulaic, as confessors simply disclosed the necessary information and gave the required apology.[272] Emil Towner (2013) points to the need for prisoners to frame their confession according to the confession and guilty-plea document on which it was recorded, arguing that confessions were necessarily formulaic as a result of this bureaucracy.[273] Secondly, and in contrast, Paul Christoph Bornkamm (2012) argues that some individuals displayed emotions of 'genuine' guilt or remorse in their confessions.[274] Chakravarty (2016) meanwhile contends that these were primarily performative displays of particular emotions, based on what confessors believed the audience and judges would expect as part of a full apology.[275] Ultimately, an outside observer cannot know whether such displays showed 'genuine' emotion or remorse, but these displays nevertheless formed part of some confessing individuals' performances in courts. Whether an individual aimed to ensure that they had fulfilled all the necessary criteria for a confession, or whether they chose to display some form of emotion, the way an individual chose to convince the bench that their confession was complete formed a crucial part of that individual's genocide storytelling.

Stories of innocence

Most individuals maintained their innocence in these spaces, both during their defence testimony and throughout their trial when responding to interventions from other court participants. Although it cannot be known for certain what each individual's motivations were for presenting their testimonies in a particular way, accused individuals who maintained their

[271] De Brouwer and Ruvebana, 'Legacy', p. 942.
[272] Karekezi et al., 'Localizing justice', p. 79; Valérie Rosoux, 'Réconcilier: ambition et piège de la justice traditionnelle. Le cas du Rwanda', *Droit et Société*, 73: 3 (2009), n.p.
[273] Towner, 'Documenting genocide', pp. 289-92, 297.
[274] Bornkamm, *Rwanda's Gacaca*, pp. 91, 102.
[275] Chakravarty, *Investing*, p. 162.

innocence had to present their story in such a way as to convince the audience and judges of their lack of genocide involvement, in the context of accusers and witnesses often presenting alternative narratives. The existing research gives some insight into the content of common defence testimonies. It also outlines the need for accused individuals to align their story of innocence with the court's understanding of genocide morality. Finally, it identifies that, as well as telling their own story, many accused individuals considered, and aimed to influence, the testimonies, attitudes, and actions of other trial participants. However, significant gaps remain in this literature, including how women chose to tell their stories of innocence, and whether such stories were influenced by ideas about gender.

The existing research has started to consider what types of defences were commonly presented by accused individuals. Some individuals presented themselves as victims of false accusations, often claiming that they had a longstanding feud with their accuser. For example, Doughty (2016) describes how Claude claimed in his trial that his sisters were accusing him of killing his neighbour's children to take the blame away from their own sons.[276] Some defendants claimed that, while they were present at the location of the crime, they were not involved in its perpetration.[277] It was also common for individuals to claim that they had participated under threats of force from members of the killing groups.[278] Many incorporated narratives of protecting or rescuing Tutsis into their testimonies. For instance, in the trial of Claude, he claimed that he had protected and fed Tutsi children who came to his house.[279] As well as these narratives of individual agency, some defendants directed the blame onto the Hutu government, seeking to present themselves as being powerless individuals caught up in its killing plan.[280] Other individuals used defence strategies that primarily revolved around the withholding of information, or the limiting of the story that was told. Valérie Rosoux (2009) contends that individuals made risk calculations about which parts of their story to reveal, omitting information that might lead to further accusations or placement in a higher category of crime.[281] Mark Anthony Geraghty (2020) argues that those who barely spoke in *gacaca*, or who spoke only when judges directly questioned them, were seen by judges as being more humble and less of a present-day 'threat'.[282] This finding suggests that it was not just speech

[276] Doughty, 'Law and architecture', p. 419.
[277] Carter, 'Justice and reconciliation', p. 49; Clark, *Gacaca*, p. 26.
[278] Carter, 'Justice and reconciliation', p. 49; Doughty, 'Law and architecture', p. 429.
[279] Doughty, 'Law and architecture', p. 428.
[280] Emil B. Towner, 'Transcripts of tragedy and truths: an analysis of Rwanda's genocide trial documents', *Atlantic Journal of Communication*, 23:5 (2015), pp. 291-2.
[281] Rosoux, 'Réconcilier', n.p.
[282] Geraghty, 'Gacaca', p. 598.

acts that were important; limiting testimony in *gacaca* and presenting a certain type of public behaviour before the court could also be advantageous. The research so far points towards accused individuals choosing multiple, varied, and often overlapping trial strategies when deciding how to deny genocide guilt.

It cannot be known for certain precisely why an accused individual chose to tell a particular story of innocence, but it is important to consider the context that *gacaca* was a public space of moral decision-making. Accused individuals needed to align their testimony not just with what version of events they thought would be believable, but also with the moral values of the community and court. Within the wider context of the state's classification of genocide crimes, they had to consider how those with power in the court – primarily judges, but also influential witnesses and audience members – decided what actions constituted genocide guilt or innocence. Doughty (2015) outlines how communities used *gacaca* to negotiate what she calls the 'micro-politics of reconciliation'.[283] She describes this 'micro-politics of reconciliation' as the process of the court simultaneously defining what roles people had held during the genocide, and what constituted moral genocide culpability, beyond the legal classification of crimes. For example, she highlights that communities debated how stories of protecting Tutsis at points during the genocide fit within wider tales of genocide perpetration, as communities negotiated whether and how somebody could be both a 'rescuer' and a 'perpetrator' and what level of genocide guilt should be ascribed to such a person.[284] Doughty argues that defendants often sought to emphasise their own victimhood and instances of helping Tutsis in order to play on this moral question of what it meant to be guilty of genocide.[285] This finding suggests that accused individuals might have adapted their story based upon what they believed about the court's understanding of genocide culpability.

As well as the morality of certain actions, *gacaca* courts also made moral decisions about individuals' psychologies, adding another dimension to what accused individuals might have considered when testifying. Geraghty (2020) argues that *gacaca* became a public space of debate about whether an individual had – and continued to have – the internal mentality that led to them taking part in the genocide.[286] As has already been discussed, *gacaca*'s moral judgements were situated within a context of wider state concerns and laws regarding 'genocide ideology'. In this context, *gacaca* was a process that made dual judgements about individuals'

[283] Doughty, 'Law and architecture', pp. 419, 427.
[284] Ibid., pp. 427-8.
[285] Ibid., pp. 428-9.
[286] Geraghty, 'Gacaca', pp. 595-6.

past and present internal mentalities. To be declared innocent, many accused individuals found that they had to convince the court not only that their past self did not intend to commit genocide and was not involved in genocide acts, but also that their present-day self was one of moral integrity and did not currently constitute a threat to the Tutsi population. Accused individuals' stories of innocence and behaviour in court should be considered in the context of this need to align their self with the court's understanding of innocence, both in terms of actions and mentalities.

It was not just an accused individual's own story that mattered in court. Existing evidence suggests that, as well as preparing their own stories of genocide innocence, many accused individuals used their social power and interpersonal relations to attempt to create a court environment where other participants corroborated and accepted their narrative of events. Rosoux (2009) describes how certain groups of accused individuals collaborated before entering *gacaca*, dividing the crimes of which they were accused between them to avoid admitting to a version of individual involvement that would lead to a sentence.[287] Similarly, Burnet (2008) and Rettig (2009) identify the formation of *ceceka* [keep quiet] groups among certain communities of defendants.[288] Individuals who were members of these groups made pacts not to speak against other group members, suggesting that certain defendants formed social connections that they used strategically to avoid facing accusations from their co-accused. Certain accused individuals also aimed to influence witness testimonies. Some located witnesses in their communities before the trial with the aim of ensuring that these witnesses testified.[289] Ingelaere (2009) interviewed a convicted individual who said that '[he] looked for people that could give testimonies in [his] favour … It varies according to the type of relationship; you share something with them in order to make them participate in the debate.'[290] Beyond simply identifying helpful witnesses, this interview extract suggests that this individual exchanged something with potential witnesses in order for them to testify. Penal Reform International's 2008 monitoring report similarly talks of defendants 'buying' their victims' silence.[291] Some accused individuals used their social and financial power to influence whether witnesses spoke about them or not, and how. Furthermore, evidence suggests that certain defendants tried to exploit their friendships with judges to receive more favourable

[287] Rosoux, 'Réconcilier', n.p.
[288] Burnet, 'Injustice of local justice', p. 179; Max Rettig, 'Gacaca: truth, justice, and reconciliation in postconflict Rwanda?', *African Studies Review*, 51:3 (2008), p. 40.
[289] Burnet, 'Injustice of local justice', p. 184.
[290] Ingelaere, '"Does the truth"', p. 520.
[291] Penal Reform International, *Gacaca research report no. 11: testimony and evidence in the gacaca courts* (2008), p. 47.

outcomes.[292] In some instances, judges were removed from their positions having been accused of accepting bribes from defendants, although it is unclear how common the practice of corruption was.[293] Individuals who were able to use their social power and relations in these ways would have been able to present their story of innocence in the knowledge that little – or at least less – evidence would be presented to contradict this story, and that other participants in court would accept their narrative.

Conclusion: performative stories of genocide in a novel public space

Despite its continuities with the past and similarities with wider justice systems, *gacaca* was a novel public space in Rwanda, in which actors pursued multiple individual, local, and state projects. Rather than truth-telling or -concealing exercises, accused individual's testimonies are best understood as performative stories of genocide. Accused individuals made decisions regarding what narrative of their genocide involvement to tell, and how to do so, in their attempts to achieve their desired trial outcome and have their story accepted as the court's 'truth' of events. This performance was unavoidably influenced by the interpersonal relations and power dynamics of each accused individual and their court environment. In some instances, these dynamics created a hostile environment that impacted accused individuals' abilities to speak and tell certain stories. In comparison, other individuals were able to draw on their social standing and relations to influence witnesses, judges, and their fellow accused. In its consideration of how accused individuals testified in *gacaca*, the scholarship has identified how some aimed to use the confession scheme to their advantage, either to repent and achieve forgiveness, or seemingly to take advantage of the associated sentence reductions. Other individuals used varying, and often multiple and overlapping, strategies to achieve a successful outcome in court. In these stories of genocide guilt or innocence, accused individuals had to consider that *gacaca* was not just a place of determining what events had or had not occurred during the genocide. It was also a localised state space of moral decision-making, where communities debated what constituted genocide culpability as well as whether the present-day person on trial was morally free of 'genocide ideology'. In doing so, actors in *gacaca* supported, negotiated, and challenged the regime's public 'truth' narrative of the genocide.

[292] Nyseth Brehm et al., 'Producing expertise', p. 94.
[293] Christopher J. Le Mon, 'Rwanda's troubled gacaca courts', *Human Rights Brief*, 14:2 (2007), p. 17.

In this process of delivering justice relating to the genocide, local actors, those with dual local and state identities, and the RPF regime combined to project state power into communities; produce power and legitimacy for the regime; define and create local post-genocide communities; and contribute to the production of the post-genocide state. These processes meant that *gacaca* trials formed part of a longer and wider story of simultaneous localised community and state production, both within post-genocide Rwanda and more broadly in Africa.

Despite the research conducted so far, significant scholarly gaps remain in the understanding of how accused individuals told their stories of genocide guilt and innocence in *gacaca*. Specifically, this thesis aims to address the way that the research so far on accused individuals' trials and testimonies in *gacaca* has focussed primarily on the trials of accused men. It has not considered the complexity of accused women's agency in court, nor whether and how gender played a role in these environments. The central role of interpersonal relations and power dynamics in determining what accused individuals could say, and how they were able to do so, suggests that gender relations and gendered social standings had the potential to play a significant role in accused individuals' experiences of testifying in *gacaca* court spaces. Furthermore, the need for an accused individual to present a morally pure, 'non-genocidal', version of their self suggests that gender norms and expectations of behaviour – both violent behaviour and behaviour in a public setting such as a court – could have impacted the ways that accused individuals presented both themselves and their stories of genocide, and then how these presentations were received. Furthermore, in light of the identified tension between the regime's genocide 'truth' narrative of near-total Hutu guilt, and its narrative of female peacefulness and victimhood, it is important to address specifically the state 'truths' constructed in *gacaca* of Hutu women's genocide involvement. This analysis will also allow an understanding of how local communities and the state combined to judge, define, and construct the identities of women in post-genocide Rwandan communities.

As already mentioned, this chapter has primarily been introductory in its use of existing literature to consider *gacaca* as a space for accused individuals to tell their stories of genocide. Many of the themes identified will be returned to in later chapters, as the thesis builds on secondary literature and uses primary evidence in the form of court reports to ask how *gacaca* functioned as a public space for women to tell their stories of genocide; what it meant for women to speak and act in this environment; and what the significance was of the stories that court participants told of women's genocide culpability. Most evidently, later chapters will return to questions regarding social relations and power dynamics in courts; accused

individuals' knowledge of *gacaca*'s processes and expectations; the production of state 'truths' by *gacaca*; *gacaca* as a space that judged individuals' mentalities; and *gacaca* as a space where local actors pursued projects that were not directly related to the genocide.

Chapter 3. Women's power in *gacaca*

The trial reports allow a consideration of *gacaca* as a public space for accused women to tell their stories of genocide guilt or innocence. Applying a gendered analytical frame to the analysis of women's trials reveals gendered power structures and dynamics in *gacaca* court spaces situated within these women's local communities. An examination of the composition of benches of judges shows that women were tried in environments where official positions of court authority were dominated by men. Furthermore, analysis of accused women's interactions with other participants reveals that they often had to make decisions regarding whether to speak publicly against male relatives who had power over them in their family lives.

Yet, the reports show that women's trials and agency in *gacaca* were not solely defined by their gender. They were influenced by other factors, including but not limited to women's economic status, social standing, and their family and community relations. Furthermore, taking an uncritical approach aiming solely to reveal a gendered 'female' *gacaca* experience risks either identifying as important only those aspects of women's trials that were different from men's trials, or suggesting that women's trials were entirely different from those of their male counterparts. Both of these outcomes would contribute to the assumption that male *gacaca* defendants were the ungendered norm and female defendants were the gendered 'other'. For instance, the reports reveal that many accused women had difficulties exerting power over witnesses to persuade these individuals to speak on their behalf. The sources do not suggest that this difficulty was entirely due to their gender, nor was this a difficulty exclusive to accused women, but it was nonetheless a pattern across several women's trials and thus formed a notable part of women's experiences as accused individuals in *gacaca*. The reports also reveal how, in contrast, other women were able to utilise their social and economic standing to influence witnesses, showing how, while their gender was always present in these spaces, it was not the only factor influencing women's power in *gacaca*. Rather than searching for a gendered 'female' *gacaca* experience, the analysis here aims to bring to the surface the complexity – and variety – of women's *gacaca* trials, highlighting the influence of their gender where the evidence suggests it played a significant role.

This chapter does not explore *gacaca*'s gendered dynamics nor women's power in these spaces in all their complexity, since these themes run throughout the reports and underpin other themes that were present in women's trials. Instead, it uses quantitative and qualitative analysis of trial evidence to introduce *gacaca* as a public space that contained gendered power structures

and dynamics at both structural and interpersonal levels, and as a space where women often struggled to exert influence over other participants. In doing so, this section also raises questions about whether women's power in this environment was fixed, or whether and how some women were able to exert agency to overcome these barriers. Following these questions, it points to the need for a more thorough consideration of the complexity and variety of women's agency and power in *gacaca*.

It is important to note that the presence and role of interpersonal relationships and communal power dynamics in *gacaca* pose a methodological challenge for research reliant upon court reports. The important role of social relationships in some women's trials can often be discerned from speech acts between participants that have been recorded in the reports. On other occasions, observers have noted that certain participants held positions within their community or had particular relationships with others present in court. Sometimes, it is recorded in the court report where members of the audience vocally supported, or conversely opposed, those testifying. However, it is clear from these traces in the reports and the wider existing ethnographic research that much occurred in and around *gacaca* trials that remained unrecorded in the *ASF* reports, and that were perhaps illegible to the observer. Significantly, the precise nature of social relations between court participants is not detailed in the reports. Reconstructing the complex and interwoven communal power dynamics and interpersonal relations within and around these environments is unfortunately not possible in this thesis due to the limitations of the primary source material available. Nevertheless, it is recognised that these dynamics were always present in these women's trials, even if they were not always visible in the reports. Where the reports do allow a consideration of these dynamics, analysis in both this chapter and throughout the thesis will show their influential role in many women's trials.

A further methodological challenge must also be addressed. For this theme, and each of the others considered in the following chapters, it might legitimately be asked precisely how many women in the report set appear within it. Where it is an appropriate approach, quantifying data certainly brings benefits. It can enhance the transparency of research findings, permit precise statements to be made about the frequency of findings, and allow conclusions to be drawn about correlations between different variables.[294] For these reasons, where evidence from the report set is clearly and accurately countable, quantitative and statistical analysis have

[294] Lynn V. Monrouxe and Charlotte E. Rees, 'When I say… quantification in qualitative research', *Medical Education*, 54:3 (2020), p. 186.

been undertaken; for example, when considering the average proportions of women judges on the bench.

However, not all data can be counted, and this uncountability is certainly the case for most of the qualitative data in the court reports. In order to be useful analytically, David Hannah and Brenda Lautsch (2011) argue that numbers need to be meaningful; they need to reflect accurately the prevalence of a theme within a set of data.[295] Yet, there is no way to quantify accurately the number of women whose trials and trial strategies belong in each theme. Sometimes it is not obvious whether a woman intentionally invoked a particular action or trial strategy when accused in *gacaca*. For example, some women – discussed in *Chapter 4* – used silence as a strategy in *gacaca*; a behaviour linked to Rwandan gendered norms around women's voice and silence in public settings, but not one that in each instance can definitively be linked to a conscious performance of a gendered behaviour rather than simply an unwillingness to testify. In other instances, the precise definition of what constitutes each theme is open to interpretation. For example, when considering women's testimonies, it is impossible to define accurately and objectively what level of mentioning one's gender constitutes a 'gendered defence'. Without access to women's motivations for their choices in *gacaca*, and also without an objective definition of what constitutes each theme identified within the data set, it is impossible to quantify the number of women's trials attached to each theme. To attempt to do so would involve constructing my own definitive category of what constituted such a theme, or generating a scale of the extent to which certain testimonies, actions, narratives, and performances belong in each theme. Such steps would risk reducing complex and nuanced qualitative evidence into binary or numerical data, and would also risk either over- or under-counting the number of women in each theme. Furthermore, Victoria Elliott (2018) highlights that applying numbers to data risks undermining the legitimacy of findings derived from individual or small numbers of cases, which can provide rich and nuanced insights despite their rare occurrence.[296] Ultimately, quantifying the prevalence of themes within the court reports would constitute an attempt to apply objectivity to evidence that is inherently subjective and open to interpretation, and which requires close qualitative reading to generate meaning. In a project with a set of research questions that do not ask 'to what extent', but rather 'whether' and 'how' while searching for significance and meaning, assigning numbers to the prevalence

[295] David R. Hannah and Brenda A. Lautsch, 'Counting in qualitative research: why to conduct it, when to avoid it, and when to closet it', *Journal of Management Inquiry*, 20:1 (2011), p. 19.
[296] Victoria Elliott, 'Thinking about the coding process in qualitative data analysis', *The Qualitative Report*, 23:11 (2018), p. 2858.

of identified themes is not only potentially misleading, but also not necessary for the analysis.[297] For these reasons, quantitative analysis has only been undertaken where evidence can be counted accurately, and where such quantification enhances the analysis of a theme within the reports.

Gendered positions of court authority

Quantitative analysis of data from the reports reveals that, as with other court systems throughout Rwanda's history, official positions of power within *gacaca* courts were dominated by men. *ASF*'s observers recorded the total number of judges presiding over the accused's trial (ranging from five to nine), as well as the number of these judges who were women. Using these recordings for the final observed day of each woman's trial – to avoid double-counting women's trials where court sessions spanned multiple days – the proportion of female judges present on the bench for each case has been calculated. *Figure 3* shows the frequency distribution of the proportion of female judges for each case in the evidence set.

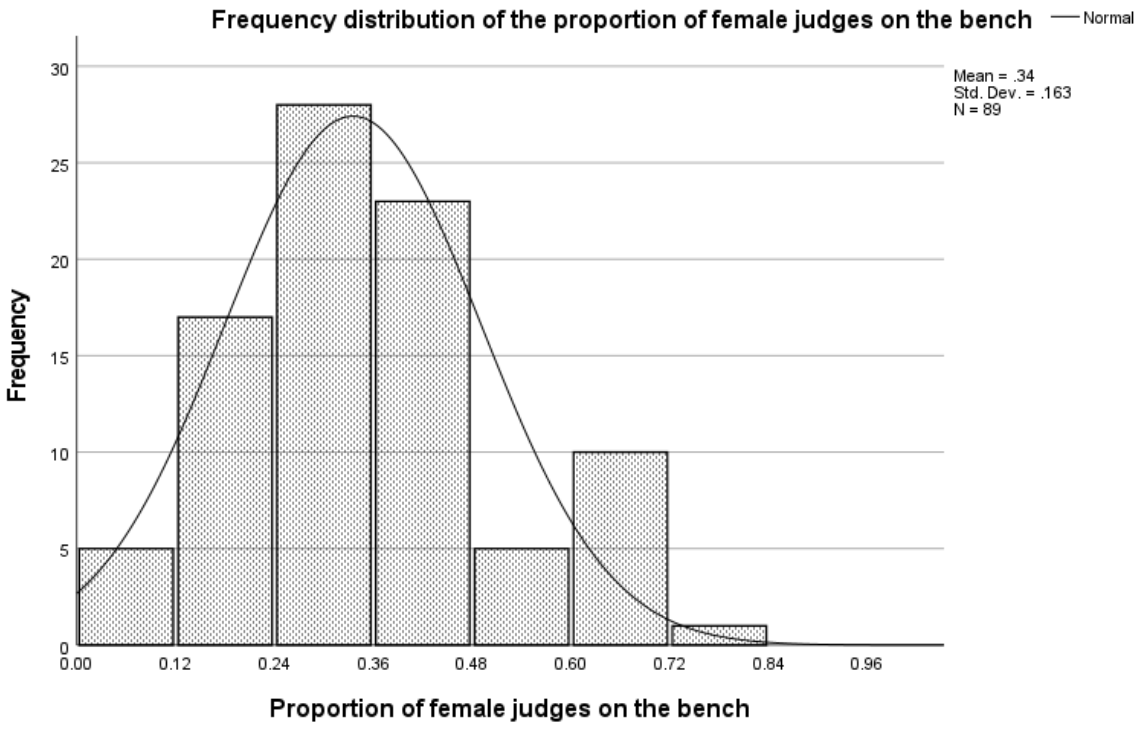

Figure 3: Frequency distribution of the proportion of female judges on the bench

[297] Joseph A. Maxwell, 'Using numbers in qualitative research', *Qualitative Inquiry*, 16:6 (2010), p. 477.

There were two instances where data allowing this calculation were missing. In the remaining sample (N=89), the proportion of female judges on the bench ranged from 0 to 0.75, and the data largely follow a normal distribution. The mean proportion of female judges was 0.34, with a standard deviation of 0.16 from the mean. The median proportion of female judges was 0.33, and there were two modal proportions – 0.29 and 0.33 – both of which occurred twelve times.

These values show that, on average, women made up one-third of judges on the bench during the observed trials of accused women. This finding is in line with – and likely in large part due to – Rwandan government-imposed quotas from 2003 for women to compose at least 30 per cent of positions in politics and government administration, although the range of proportions shows that this quota was not always met at the level of the individual court.[298] There was variation in the proportions of female judges on the bench, and it could be argued that there were surprisingly many female judges in post-genocide *gacaca*, especially compared to Rwanda's previous court systems. However, regardless of whether women's presence on *gacaca* benches constituted an increase in female representation in this capacity or not, it was ultimately and undeniably the case that female judges were consistently in the minority. In this sample (N=89), there were fewer women than men serving as judges in seventy-three cases (82 per cent). In five observed trials (6 per cent), there were no female judges sitting. There were two cases (2 per cent) where the gender split was even, and only fourteen cases (16 per cent) where women judges were in the majority. There is very little research on the women who served as *inyangamugayo*. From interview evidence, Jean-Damascène Gasanabo et al. (2020) argue that many female judges saw their election both as an indication of their social capital, and as an opportunity to improve it.[299] This finding suggests that, like their male counterparts, female judges tended to be individuals with more influence and social standing in their communities than most Rwandans. While little is known about the identity of the women who served as judges, data from the report set show that, for most of the observed accused women, the benches of judges presiding over their cases, making decisions about their culpability, and delivering final sentences, were composed predominantly of men.

The proportion of male and female judges was not the only gendered characteristic of *gacaca* authority. The reports also indicate whether the president of the bench – the head of the

[298] Elizabeth Powley, 'Strengthening governance: the role of women in Rwanda's transition', *Hunt Alternatives Fund* (2003), p. 2.
[299] Jean-Damascène Gasanabo et al., 'Rwanda's inyangamugayo: perspectives from practitioners in the gacaca transitional justice mechanism', *Genocide Studies and Prevention: An International Journal*, 14:2 (2020), p. 161.

judges and the individual who tended to lead the questioning of testifiers – was male or female. *Figure 4* shows the counts of male and female bench presidents across the evidence set.

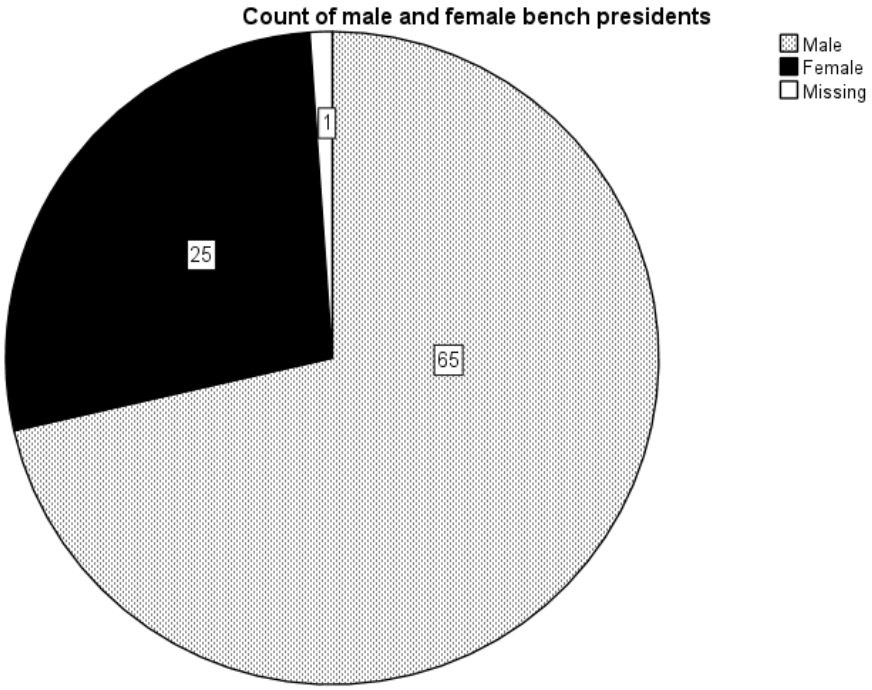

Figure 4: Count of male and female bench presidents

As before, data have been taken from the final observed day of each trial to avoid double-counting, and for these data there was one missing case. From the remaining sample (N=90), the president of the bench was a man in sixty-five cases (72 per cent). The president was a woman in just twenty-five observed cases (28 per cent). Not only was it men who composed the majority of judges on the bench, but these data indicate that they were also the individuals who most commonly led the judges and chaired the session. Women in the transcript set defended themselves in court spaces where men held most of the positions that granted power to lead the court exchanges and determine the culpability of the accused.

Gendered social power dynamics

As well as official positions of power in *gacaca* being gendered, the reports provide evidence that gendered social power dynamics impacted accused women's interactions with other participants. In trials where decisions about culpability were based on the stories told in spoken testimonies, and where trial participants made decisions about whether to support or contest the accused's story, knowledge of and influence over witness testimony were crucial elements of an accused individual's trial strategy. Qualitative analysis of the reports reveals that many

women struggled to influence and speak out against witnesses and accusers, especially when these participants were their male relatives. An analysis of three women's trials given below suggests that these difficulties were often related to gendered imbalances of power and the accused individuals' positions as women in their families and communities.

The reports provide evidence for women having to make decisions about whether to contradict, implicate, or speak against their male relatives when on trial in *gacaca*. These decisions were made in a context where Rwandan men were the legal heads of households, and where women had historically faced consequences for speaking against their male relatives in wider dispute resolution mechanisms.[300] Before the genocide, married women were not able to control household resources, own land, or take on paid work without their husbands' consent.[301] These ideas remained prevalent during the period of *gacaca*. The United States Agency for International Development's (USAID) 2008 report quotes a female interviewee as saying 'A woman cannot file a case when she has a husband – if she does, she'll be regarded as a rebel.'[302] In focus group interviews conducted by Jennifer Brown and Justine Uvuza (2006), women spoke of their fear of family repercussions if they made disputes public.[303] Using testimonies from rural women in Kamonyi district, Mediatrice Kagaba (2015) contends that a woman who reported her abusive husband to authorities would face social disapproval and being 'branded a bad woman' by her community.[304] These studies show that norms around male authority and female submissiveness meant that Rwandan women in the post-genocide period faced barriers to taking disputes against their male relatives to court. In terms of those who did overcome these social pressures to enter court spaces, Pamela Abbott and Dixon Malunda (2016) write that women they interviewed reported agreeing to accept less land than they were legally entitled to in land disputes in order to maintain family relationships.[305] This finding suggests that, once in these dispute resolution spaces, women made decisions based not only on the potential outcome of proceedings, but also on how this outcome would affect their familial relations and their wider position within the community. Accused women in *gacaca*

[300] Polavarapu, 'Procuring', p. 140.
[301] Erin Stern et al., 'The doing and undoing of male household decision-making and economic authority in Rwanda and its implications for gender transformative programming', *Culture, Health & Sexuality*, 20:9 (2018), p. 978; Jennie E. Burnet, 'Women have found respect: gender quotas, symbolic representation, and female empowerment in Rwanda', *Politics & Gender*, 7:3 (2011), p. 312.
[302] Cited in USAID, *Assessment*, p. 16.
[303] Jennifer Brown and Justine Uvuza, 'Women's land rights in Rwanda: how can they be protected and strengthened as the land law is implemented?', *Rural Development Institute* (2006), p. 23.
[304] Mediatrice Kagaba, 'Women's experiences of gender equality laws in rural Rwanda: the case of Kamonyi District', *Journal of Eastern African Studies*, 9:4 (2015), p. 585.
[305] Pamela Abbott and Dixon Malunda, 'The promise and the reality: women's rights in Rwanda', *African Journal of International and Comparative Law*, 24:4 (2016), p. 576.

who had to make decisions about speaking against or implicating their male relatives did so in the context of these men having domestic power over them, and of there being gendered consequences for women who spoke negatively of their male relatives in Rwanda's other dispute resolution mechanisms.

Gladys was one such woman who had to decide what to say publicly about her male relatives when testifying in *gacaca*, firstly as a witness and then as an accused individual. Towards the end of May 2005, Gladys' husband, Michel, was placed on trial in a sector court in Kigali City, accused of participating in the murder of the Harelimana family and looting items from their house.[306] He admitted to the looting, but denied involvement in the killings, presenting the alibi that he had left his wife and children at home and spent two days away at another person's house at the time of the killings. He said he only learned of the attack when he returned home and his father, François, called him to tell him about it.[307] Gladys was the first witness called by the bench to testify. When asked about the murders, she said that she did not know anything. She then added that Harelimana's daughter, the daughter's two daughters-in-law, and their children came into Gladys' house, and that two minutes later, they left of their own accord to go to the house of François, Gladys' father-in-law.[308] In telling this story, she maintained that the victims left her house alive, and implied that it might have been at her father-in-law's house where they were found or killed. This story was dangerous for François. The acts of revealing the hiding places of Tutsis, or of denouncing them to killers, were treated by *gacaca* law as acts of complicity in killing.[309] The secretary of the judges invited François to react to this testimony. He disputed this story, claiming that his daughter-in-law was lying and that the victims never came to his house.[310] Michel's trial spanned several days. Gladys was questioned once more in a later session, when the secretary asked her to say who denounced the victims whom she claimed were found at François' house, given that only she and François knew where they were hiding. Gladys responded that she did not know and asked the secretary to stop asking her to testify about things of which she had no knowledge.[311] This time, she was less willing to implicate her father-in-law, choosing instead to offer no explanation.

[306] ASF, 'Observations des juridictions gacaca: ville de Kigali: juin 2005', *Unpublished monthly review* (2005), p. 27.
[307] Ibid., p. 28.
[308] Ibid., p. 28.
[309] Hogg, 'Women's participation', p. 81.
[310] ASF, 'Ville de Kigali: juin 2005', p. 28.
[311] Ibid., p. 35.

Eventually, after a lengthy trial, Michel was found guilty of looting but not of participating in the killings.[312] In fact, it was Gladys who fell under the suspicion of the court. The judges decided that, in her participation as a witness, she had given false testimony, violating article 29 of organic law 16/2004.[313] She did not speak against her husband, instead denying having any knowledge about his alleged participation in the killings and lootings, and maintaining that the victims left their house alive. Rather, the only parts of her speech that were disputed related to what she said about her father-in-law. She decided to implicate him in the story of how the victims hid and were then found by the killers, an accusation that he said was a lie. The reports do not reveal what happened to the Harelimana victims during the genocide, nor how the judges came to this judgement that Gladys had given false testimony, but this accusation shows that Gladys ended up on trial in *gacaca* due to her choice to speak out against her father-in-law when acting as a witness in her husband's trial.

One week following her husband's trial, Gladys appeared before the same court, in front of around twenty-five people, to defend herself against the charge of false testimony.[314] At the beginning her trial, the secretary invited her to repeat what she said in the previous trial regarding François. Already facing the consequences of speaking against her father-in-law once, she had to decide once more how to tell the story of how she and François acted during the genocide, as well as how to defend herself against the charge that her initial story was false. Gladys made the following statement in response to the secretary's request:

> *François est venu chez moi, il a dit à mon mari qu'un groupe d'assaillants se rendait chez Harelimana. Ils sont tous deux partis voir ce qui se passait et moi je suis resté à la maison. Quelques minutes après, la fille de Harelimana, ses deux belles-filles et leurs enfants sont entrés dans ma maison, et deux minutes après ils sont sortis d'eux-mêmes et sont partis chez François en passant par la brèche de la clôture.*
> [François came to my house, he said to my husband that a group of assailants was going to Harelimana's house. They both left to see what was happening and I stayed at the house. Some minutes later, Harelimana's daughter, her two daughters-in-law and their children came into my house, and two minutes later they left of their own accord and went to François' house by passing through the gap in the fence.]

In this testimony, Gladys decided to do as the secretary asked: she told largely the same story about the victims' brief stay at her and her husband's house and their subsequent decision to leave for her father-in-law's house. Gladys' ability to tell a different version of her previous

[312] Ibid., p. 38.
[313] Ibid., p. 36.
[314] Ibid., p. 38.

testimony, even if she had wanted to, was likely limited by the proximity of her trial to that of her husband's and the continuity of *gacaca* participants across the two trials. Telling the same story again was also the only means of maintaining that it was not a false testimony. In this retelling, she once more placed François' actions at the centre of her story. He was the man who took her husband to see what the group of assailants was doing at Harelimana's house, and it was to François' house where the hiding victims fled. She therefore implicated him in the story of how the hiding victims were discovered by their eventual killers, while denying her own responsibility in their deaths through the insistence that the victims left her house of their own accord.

After Gladys' interview, François was asked to react to what she had said. He said once more that Gladys was lying, insisting that the victims were never at his house.[315] When asked at the end of the trial whether he had anything more to add, François said that he wanted Gladys to say what had made her accuse him falsely, adding '*A ma connaissance, je n'ai pas de problèmes avec ma belle-fille, je pense qu'il s'agit d'une sorte de machination*' [To my knowledge, I do not have any problems with my daughter-in-law, I think this is some sort of plot]. The secretary then asked Gladys if she had any problems with her father-in-law, but she responded that she did not. The bench retired to deliberate, returning a guilty verdict and sentencing Gladys to three months' imprisonment for telling a lie about her father-in-law.[316]

Gladys was not the only witness to face the threat of their testimony being used as the basis of an accusation, but her experience in *gacaca* nevertheless presents a case of a woman facing severe consequences for speaking against her male relative in this space.[317] Both parties denied having an out-of-court feud with each other, but François described Gladys' actions as a plot, attempting to discredit her and her allegation by implying to the judges that she was accusing him for a maliciously motivated reason. The reports do not reveal what the precise nature of their relationship was, nor whether François was genuinely reacting to having been falsely implicated or was simply using an allegation of lies and a plot to defend himself against the implication that he was involved in the killings. Regardless, the two individuals clearly had a dispute in this court space, and it was François' words that the judges believed. Gladys chose to testify against her father-in-law both as a witness and when on trial herself, and his allegations about her testimonies were instrumental in leading to her being imprisoned.

[315] Ibid., p. 39.
[316] Ibid., p. 40.
[317] For witnesses facing being accused on the basis of their testimony, see: Burnet, '(In)justice', p. 114.

Other women similarly made decisions about whether to speak against their male relatives in *gacaca*. Christianne, a woman in her late thirties at the time of her trial in September 2005, was accused of complicity in the killing of five children. In her defence statement, she declared that she had not seen the children during the genocide and that she knew nothing of the circumstances of their deaths. She also asked the bench to recuse her three brothers-in-law, who had presented themselves as witnesses against her, because she said they had contributed to her arrest. Christianne was a widow, and she claimed that her brothers-in-law wanted to drive her out of her house and take possession of her field. She also said that, after the death of her husband, one of them proposed that she become his 'concubine'. Finally, she added that one of the others built a house on her field while she had been detained in prison.[318] Despite her request, after two witnesses had spoken in her defence, the brothers-in-law were allowed to speak. All three accused her of denouncing the victims to their killers, but presented slightly different stories about how she did so. Christianne stressed these contradictions to the judges in her reaction to their testimonies.[319]

Christianne's decision to speak in this way about her brothers-in-law carried a risk. One possibility about her trial was that she attempted to undermine a rightful accusation by portraying it as stemming from a longstanding feud with her brothers-in-law, and that she decided that she would rather face any consequences for telling this story than face a prison sentence. Another possibility was that her experience as an accused woman, from arrest to trial, was impacted throughout by a gendered dispute over access to land. Land in Rwanda is usually inherited along patrilinear lines, with women able to access their husbands' lands upon marriage.[320] Widows were among the women most vulnerable to losing land in the post-genocide period, especially if they had no male children.[321] They often found that their rights to stay on their deceased husbands' lands were challenged by their husbands' families, who wanted to 'reclaim' the property and fields.[322] Christianne either chose to tell a story that her male relatives had used a genocide accusation as a means to drive her off the land because it presented a scenario commonly faced by Rwandan widows and was thus potentially believable to the court, or she was indeed one of many women who found themselves in this land situation. Either way, she spoke against three male relatives who she claimed presented a considerable

[318] ASF, 'Observations des juridictions gacaca: province de Kigali Ngali, September / 2005', *Unpublished monthly review* (2005), p. 7.
[319] Ibid., p. 8.
[320] Burnet and RISD, 'Culture', p. 187.
[321] Ibid., pp. 187-8, 200.
[322] Ibid., p. 200.

threat to her in her everyday life. The brothers-in-law did not dispute Christianne's claims of their feud, as might be expected if the story had been fabricated. The judges found this tale of a widow being threatened by her brothers-in-law more credible than their genocide accusations, declaring Christianne not guilty and stressing that there were contradictions in the witness testimony presented.[323] In many respects, and unlike in the case of Gladys, Christianne's trial shows a woman successfully speaking against her male relatives when defending herself against charges of genocide. Yet, while Christianne had success within the confines of *gacaca*, it is unknown how their family relations or the land feud continued after the trial. The *gacaca* court did not give any judgement on the land – this was outside its jurisdiction – and Christianne presumably returned to a house and fields that were occupied by the brothers-in-law against whom she had spoken in *gacaca*; men who she insisted posed a threat to her.

A more wholly successful case of a woman speaking against her male relatives in *gacaca* was that of Esther. She was tried in a sector office in Kibuye in May 2005, accused of murdering Augustin as part of a killing group that included her husband.[324] Esther pleaded not guilty, and said that her only accuser was her brother-in-law, who was now deceased and with whom she had been engaged in a separate legal action over property. She added that her husband committed the murder along with the other men in the group. Her husband, who was detained in prison, had submitted a written witness testimony that was read out in court. In it, he said that Esther left to see her ill brother that day, and that Augustin was killed in her absence.[325] No witnesses spoke against Esther, and she was pronounced innocent.[326] Esther was able to speak against her brother-in-law and implicate her husband as part of her successful defence against this murder charge. Unlike Gladys and Christianne, she likely knew that she would face no consequences from either of them for doing so: her brother-in-law was dead, and her husband had already submitted a witness testimony that denied her guilt and acknowledged his own. The absence and support of her brother-in-law and husband respectively were crucial in allowing Esther to speak against them successfully when telling her story in *gacaca*.

The court reports cannot capture the precise nature of relationships and disputes that occurred in everyday life outside the courts. Nevertheless, the cases of these three women show gendered family dynamics, disputes, and power struggles entering *gacaca* and influencing

[323] ASF, 'Kigali Ngali, September / 2005', p. 10.
[324] ASF, 'Observation des juridictions gacaca: province de Kibuye: mai 2005', *Unpublished monthly review* (2005), pp. 8-9.
[325] Ibid., p. 9.
[326] Ibid., p. 10.

women's choices and abilities to speak against their male relatives in these public spaces. Women faced the threat of consequences for implicating, accusing, or denouncing those with power over them in their domestic lives. For Gladys, the implication of her father-in-law led to her receiving three months in prison for false testimony. Christianne faced no immediate consequences in court for her testimony. Yet, she had spoken against, and had to return to live alongside, men who she said had already falsely accused her of genocide and occupied her land after her initial defiance of their wishes. In comparison, Esther's ability to speak negatively of her brother-in-law and husband was likely linked to the knowledge that they would not punish her for doing so. Whether or not Christianne and Esther's stories of being threatened by their respective brothers-in-law reflected the reality of their domestic lives, in both cases the judges believed them. This validation of their stories suggests that, at the very least, it was plausible for women in these communities to face threats and court accusations as a result of disputes with their male relatives. The cases of these women show that women's wider familial relations impacted the stories they told in *gacaca*, and that they had to make difficult choices about whether to speak negatively of their male family members in these spaces.

Women's attempts to influence witnesses

Many accused women also faced the challenge of persuading witnesses to speak in their defence. The stories witnesses chose to tell had significant impacts on trial debates and outcomes. Influencing and responding to witnesses were therefore important aspects of accused individuals' defences. Research has detailed how some *gacaca* defendants used their social and financial power to influence whether and how witnesses testified in their cases.[327] Yet, the personal motivations of witnesses when deciding whether to speak and what to say meant that influencing witness testimony was hard to accomplish. Many witnesses found *gacaca* a hostile space, and Gladys' case speaks to the threats faced by witnesses when testifying, as individuals had to consider whether their own words could be used to implicate them in genocide acts.[328] The reports reveal regular occasions where women cited witnesses who then did not speak on their behalf. The nature of the sources and their focus on what was said during trials means that they cannot reveal what was said between actors outside *gacaca*, nor the precise nature of out-

[327] Burnet, 'Injustice of local justice', p. 184; Ingelaere, '"Does the truth"', p. 520; Penal Reform International, *Report no. 11*, p. 47.
[328] For witnesses finding *gacaca* a hostile space, see: Buckley-Zistel, '"Truth heals"', pp. 120-1; Funkeson et al., 'Witnesses', p. 382; Brounéus, 'Truth-telling', p. 68; Ephgrave, 'Women's testimony', pp. 181-2, 188.

of-court relationships. As a result, the reports do not reveal why particular women did not have the power to influence witness testimony successfully. The reports do not show that difficulties influencing witnesses were due to accused women's gender, and it is important to note that this was not a difficulty faced only by female defendants.[329] Yet, this difficulty was a pattern across the report set, and given the importance of witness testimony in these courts, it formed a notable part of many accused women's *gacaca* trials. In comparison, the reports also show how some women were able to exert power over witnesses and employ witness testimonies in their defences, often using their social connections and standing to do so. These trials provide evidence that factors beyond gender influenced women's abilities to tell their stories of genocide when on trial.

Accused women regularly struggled to compel witnesses they cited to attend court and speak on their behalf. The trial of Cansilde for the murders of a woman and her child spanned four sessions between June and October 2005.[330] Cansilde admitted to not acting to save the victims, but maintained that she was not part of the group that killed them and that she did not know the circumstances of their deaths.[331] In the trial's second session, Cansilde cited three witnesses whom she wanted to speak in her defence. However, when they testified, all three denied knowing anything about the woman who was killed.[332] In the third session, Cansilde asked the bench to hear a further witness, who she claimed was the perpetrator of the murder.[333] When this witness was heard in the fourth and final session, he denied this accusation and said that he only learned of the victims' deaths three days afterwards.[334] Cansilde attempted to cite witnesses to speak on her behalf on two separate occasions. These witnesses, especially the one whom she had accused of killing the woman, likely knew the risks of implicating themselves in these murders, and they refused to confirm her defence story. Cansilde's inability to compel witnesses to speak in her defence meant that the judges in this trial heard several witness testimonies that implicated her in the murder but only Cansilde's own story that

[329] For defendants navigating witnesses speaking for and against them, see: Chakravarty, *Investing*, pp. 135-64.
[330] ASF, 'Observation des juridictions gacaca: province de Butare: juin 2005', *Unpublished monthly review* (2005), p. 39; 'Observation des juridictions gacaca: province de Butare: juillet 2005', *Unpublished monthly review* (2005), p. 26; 'Observation des juridictions gacaca: province de Butare: septembre 2005', *Unpublished monthly review* (2005), p. 33; 'Observation des juridictions gacaca: province de Butare: octobre 2005', *Unpublished monthly review* (2005), pp. 11-12.
[331] ASF, 'Butare: juillet 2005', p. 26.
[332] Ibid., p. 26.
[333] ASF, 'Butare: septembre 2005', p. 33.
[334] ASF, 'Butare: octobre 2005', p. 11.

protested her innocence. She was ultimately found guilty and sentenced to five years' imprisonment, although she was released immediately on the basis of time served.[335]

In another instance, Jeanne appeared freely before a court in Gitarama in November 2007, charged with participating in the killing of a child. She pleaded not guilty and denied any responsibility in the death. During the discussion, the president reminded Jeanne that the bench had decided to postpone the trial in the previous session because she wanted to call witnesses in her defence. He asked Jeanne whether these witnesses were now present. Jeanne replied '*Non, je ne sais pas pourquoi ils ne sont pas venus*' [No, I do not know why they have not come].[336] Unlike Cansilde, who was detained in prison before her trial, Jeanne was living freely within her community and so would likely have had the chance to speak to these potential witnesses herself, and the judges had granted her a trial suspension to do so. Her apparent lack of knowledge about the reason for their absence suggests that she had asked them to speak and was expecting them to attend. However, she was unable to compel either their presence in court or their defence testimony. Cansilde and Jeanne were two of many women who cited witnesses who either did not appear or did not speak on the accused's behalf. For these women, the strategy of using witness testimony was not successful as they did not have the power to persuade witnesses to testify for them.

However, it was not the case that all women were unable to influence witnesses in *gacaca*. Some women were able to call witnesses and use this testimony successfully in their defences, and these women often employed their own social connections and standing to do so. Apolline, a woman in her fifties who was put on trial in front of around eighty people in Gisenyi in August 2007, was one such woman.[337] Apolline was working as a maternity nurse in a hospital at the time of the genocide.[338] She was accused of making death threats against her colleague Yvonne and refusing to treat Tutsis injured by the *Interahamwe* (militias carrying out genocide attacks). Apolline pleaded not guilty, saying in her defence testimony that she and Yvonne were friends, and that she would call several hospital employees as witnesses. She went on to declare that

> *S'ils affirment que j'étais en conflit avec [Yvonne] ou que je refusais de soigner des blessés tutsi pendant le génocide, condamnez-moi à la peine qui me convient*

[335] Ibid., p. 12.
[336] ASF, 'Observations des juridictions gacaca: ex-province de Gitarama: actuelle province du Sud et Ville de Kigali: novembre 2007', *Unpublished monthly review* (2007), p. 23.
[337] ASF, 'Observation des juridictions gacaca: actuelle province de l'ouest: ex-province de Gisenyi: août 2007', *Unpublished monthly review* (2007), p. 3.
[338] Ibid., pp. 3, 5.

> [If they affirm that I was in conflict with Yvonne or that I refused to treat injured Tutsis during the genocide, condemn me to the sentence that is appropriate for me].

From the beginning of her trial, Apolline told a story of unfounded accusations and said that she wanted the judges to put complete faith in her defence witnesses' testimonies. Apolline was confident that she could call upon her relationships with her former colleagues so that they would testify in the way she needed.

The first witness to speak in Apolline's trial was not called by Apolline. They were the victim Yvonne's husband Paul, who stated that he had served as an ambassador of Rwanda to Uganda. Paul declared that Apolline and Yvonne were on bad terms, and that '*tout le monde dans ce secteur*' [everybody in this sector] knew that Apolline and her husband planned the murder of his wife and children. He went on to ask why, given that she had called witnesses in her defence, she had not cited one particular nurse who also worked at the hospital. Paul insinuated that this final person would not have testified in Apolline's defence, implying to the court that Apolline had selectively chosen which witnesses to call and had omitted those who would not tell a favourable story of her actions.[339] Such a strategy on Apolline's part would not have been surprising. Paul's articulation of this suspicion speaks to her ability to select witnesses carefully in the preparation of her defence. In contrast, despite his social standing and previous political power, the witnesses whom Paul then asked to speak did not implicate Apolline. Instead, they said that they did not know about the state of the relationship between Apolline and Yvonne.[340]

Unlike Paul, Apolline was largely – if not wholly – successful at asking witnesses to speak in her defence. Three of the four witnesses she cited testified to the good relations between employees at the hospital.[341] The fourth witness did not appear in this first session, but spoke in the second session the following week. In contrast to the others, she did not speak as Apolline wanted. Instead, she recalled a disagreement between the accused and the victim, which occurred three weeks before Yvonne was attacked. The witness stated that there were rumours that Apolline was responsible for the attack. Apolline argued against this testimony immediately, maintaining that there was no dispute between her and Yvonne.[342] This fourth and final witness was clearly a case where Apolline was unable to influence testimony to her advantage, as this witness instead incriminated her. Nevertheless, Apolline was able to

[339] Ibid., p. 4.
[340] Ibid., p. 5.
[341] Ibid., p. 6.
[342] Ibid., pp. 8-9.

assemble three witnesses to testify as she had planned, providing multiple voices supporting her story that she was not in conflict with Yvonne and that she therefore did not contribute to Yvonne's death.

Apolline's power over other testifiers seemed to extend beyond those she had asked to speak on her behalf. After witness testimony in the second session, the trial was opened to contributions from the general assembly. Among the individuals who spoke was one who declared that, in 1992, he overheard Apolline and her husband talking badly of the cell inhabitants, saying that they were worth nothing and knew only how to loot and eat what they found in pots. The audience member said that this conversation was held in the presence of the couple's driver, and that the driver was currently in the room during the trial. The judges called the driver to speak, but he said that he was not living in the sector in 1992 and that the witness was lying. Paul then asked to speak, declaring that '*Il était le chauffeur de l'accusée, il ne peut pas dire du mal d'elle*' [He was the accused's driver, he cannot speak badly of her].[343] While Paul was almost certainly attempting to discredit the driver's denial of evidence against Apolline, in doing so he invoked the power of Apolline, as the testifier's employer, to influence whether he could speak against her in this court space.

Apolline's trial provides an example of a woman using her social position to influence witnesses to speak in her defence. She was ultimately acquitted of both charges, with the bench's judgement stating that there was a lack of proof against her.[344] She was able to devise a defence strategy that relied upon her relations with former colleagues at the hospital. She was not able to influence their testimonies with complete success, as one of these cited individuals spoke to implicate her. Yet, despite his former position of political power, it was Paul who struggled most to compel witnesses to testify to his version of genocide events. In a court environment where power dynamics and interpersonal relations impacted who had the ability to speak and what they felt able to say, Apolline's ability both to generate and allegedly silence witness testimony was linked to her positions as a medical practitioner and an employer. Unlike most women who appeared as defendants in *gacaca*, Apolline was a woman who held some level of social and economic power, which she was able to utilise in court.

[343] Ibid., pp. 9-10.
[344] Ibid., p. 10.

Conclusion: a court space with gendered dynamics

The *ASF* reports reveal that women were tried in courts with gendered power structures, as official positions of authority were dominated by men. Many women also had to make difficult choices about whether to speak against their male relatives – if they were able to do so at all – knowing that they could face consequences both within *gacaca* and outside it for doing so. While not necessarily gendered, it was a common feature of many accused women's trials that they struggled to call witnesses and compel them to speak, suggesting that they did not have the social power to influence other individuals' testimonies. However, these reports also show that accused women were not simply victims to imbalances in social relations or gendered power structures in *gacaca*. Some women decided to speak out against their male relatives, either with their support, in their absence, or despite the potential consequences of doing so. Other women used their economic or social power to influence witnesses either to speak in their defence or to remain silent about accusations against them. These dynamics of women's interactions with their male relatives and with other *gacaca* participants have been introduced in this chapter using a small number of case studies, but they ran throughout the observed trials. When on trial in *gacaca*, women had to make decisions about how they interacted with other participants and about what they said in public court spaces that contained members of their communities, including their families. These choices were not completely free, but rather were influenced by women's interpersonal relations with other participants, their social positions, and their economic standings. Gender undoubtedly influenced these factors, but it was not the sole determinant of whether and how women were able to exert power in *gacaca*.

Crucially, this analysis has started to raise questions about how fixed in the hands of men *gacaca* power dynamics were, and how individual women exerted agency to navigate these dynamics. Looking solely at structures of authority within *gacaca* and how gendered social roles inhibited women's power to present their stories of genocide risks erasing accused women's agency and seeing them as powerless actors in a male-dominated institution. Instead, the reports point to the need for a more thorough consideration of the complexity of accused women's agency and power in *gacaca*, to ask what strategies they used to present their stories of genocide within this space, and how the exertion of this agency interacted with that of other local community members. Examining women's agency and power in the telling of their genocide stories will in turn allow an analysis of the narratives generated in *gacaca* about women's genocide involvement. It will also permit an exploration of accused women's

involvement in constructing *gacaca*'s 'truths' about the genocide, generating power for the regime, and producing a particular version of the post-genocide state.

Chapter 4. Silence as strategy

Building on this analysis of *gacaca* as a public space in which women were put on trial, the next two chapters of the thesis will now turn to considering the question of what it meant for women to act and speak in *gacaca*, asking how their agency in this space should be understood historically. Drawing on evidence from the report set, *Chapter 4* will consider silence as a strategy used by accused women in *gacaca*, while *Chapter 5* will explore how *gacaca* provided accused women with an opportunity to gain knowledge and experience in a court setting. Together, these chapters will argue that the *gacaca* process expanded the boundaries of Rwandan women's agency in public settings by changing expectations of who should speak and act in these spaces. However, they will question assumptions that such agency and power necessarily came through acts of public speech. Evidence from the court reports will show how the success of trial strategies varied for different women and in different contexts. It will reveal how women's agency and power in *gacaca* came from, and relied upon, many sources, techniques, and characteristics other than public speech, including: silence, knowledge, covert speech, watching and listening, social standing, and interpersonal relations with other court participants.

As discussed, *gacaca* was a new form of public space in post-genocide Rwanda, in which individuals competed through public spoken testimony to establish certain stories as the court-generated knowledge of events, at the expense of stories told by other individuals. Individuals revealed, withheld, and attempted to control information in order to achieve their desired trial outcome. In its consideration of women speaking in *gacaca*, *Chapter 4* will identify silence, in its multiple forms, as a strategy used by women in their trials. This chapter will argue that these silences were a way for women to exert subtle power in *gacaca* and use the withholding of information to evade *gacaca*'s aims of revealing and punishing genocide actions publicly. These silences were most effective where women had the support of other court participants in their attempts to withhold information. Silence was also a behaviour that laid claim to a gendered virtue, allowing some women to portray a moral, 'non-genocidal' public version of their present-day self within the context of cultural expectations regarding how 'virtuous' women should behave in public. Through this analysis, the chapter will speak to wider assumptions about the relationship between women's voices and their agency.

The chapter will also consider how silence was a dangerous strategy for women in a court system that expected individuals to testify to their full knowledge of genocide events. It

will identify how, over time, as court participants gained a set of knowledge and expectations that women should testify fully in these public spaces, women's silence became less successful as a strategy. In later years, accused women in the *ASF* report set had less support from other court actors in their attempts to use silence. Rather than being seen as a performance of virtue, these women were sanctioned for withholding information and their public silence was in some instances viewed as a continuation of their genocide immorality. In this way, *gacaca* followed on from the role played by other institutions in Rwanda's history in creating opportunities for women's public actions and speech. However, in compelling accused women to speak fully about their genocide knowledge in these spaces, *gacaca* changed expectations around women's public speech on a much larger scale and for ordinary Hutu women across Rwanda.

Rwandan women in public settings

For the purposes of this analysis, it firstly needs to be asked what behaviour, especially in terms of speech, was expected of Rwandan women in a public setting such as *gacaca*. Existing secondary literature enables a consideration of women's actions and speech in similar types of public settings throughout Rwanda's history: those that involved individuals taking on public roles and speaking in public spaces to strangers. Rwanda has a longstanding cultural expectation that women should remain silent in such public settings. Yet, some organisations and institutions have enabled a small number of women to act and speak publicly throughout Rwanda's history, increasingly so in the post-genocide period, giving insights into who was able to speak in such settings and how they were expected to behave. Different public spheres have been dominated by different organisations and institutions of varying forms and sizes, from royal families and political parties in political spheres, to the church and spiritual mediumship in religious spheres, to businesses and NGOs in local civil and economic spheres. While all distinct in nature, these institutions all had structures, shared norms, and formal public roles for private individuals to hold and perform. Where they were open to women, these roles provided avenues for entry into public spheres for a small minority of women: predominantly those with pre-existing economic and social privilege. Most ordinary women, however, faced significant constraints on their public behaviour and speech. This analysis of existing literature on women's public actions and speech shows that women's *gacaca* testimonies took place in a public space where their voices were not normalised, and where women's public silence was associated with virtue.

This historical analysis of Rwandan women acting and speaking in public will start with a consideration of evidence, drawn from secondary literature, for women's public roles and behaviour in the pre-genocide period. Since the end of the genocide and establishment of the post-genocide regime provided a moment of rupture that created the possibility of change in women's lives, the analysis will then move on to considering whether and how women's public roles and agency changed in the post-genocide period immediately before and during the *gacaca* process. Finally, the analysis will consider a third space where there is evidence for women speaking and acting publicly: in courts and dispute resolution mechanisms. These settings were distinct from the others treated, since the women who entered them did not take on a paid, long-term, public position, but rather became a temporary public actor for the purposes of arguing a dispute. Treating these settings separately also allows a clearer consideration of how women's agency in the post-genocide *gacaca* courts followed on from a longer history of Rwandan women acting in dispute resolution spaces.

Much of the scholarship on Rwandan women in public settings has been conducted through the framework of a search for, or judgement of, women's empowerment. Through this lens, it tends to equate presence and voice in these settings with power. It should be questioned, however, whether the assumption that public voice and power are synonymous is always correct, as power does not necessarily involve either speech or public speech. Covert and esoteric speech, secrets, and selective silence can also be forms of power. Care should be taken before assuming that speech in public settings is automatically and exclusively evidence for the expression of Rwandan women's power.

Expectations of silence

Rwanda is understood by both researchers and their research participants as having had a longstanding cultural expectation that women should remain silent in public settings. Much of the literature exploring women's roles in politics, civil society, and business at various points throughout Rwanda's past emphasises that these women were breaking with Rwandan 'tradition' by appearing and speaking in these arenas.[345] De Lame (1999) asserts that a married

[345] For example: Jennie Burnet and Jacqueline Mukandamage, 'Réseau des Femmes Oeuvrant pour le Développement Rural: an organizational case study', *Anthropology Faculty Publications*, Paper 7 (2000), p. 20; Powley, 'Strengthening governance', p. 26; Jennie E. Burnet, *Genocide Lives in Us: Women, Memory, and Silence in Rwanda* (Wisconsin, 2012), p. 6; Petra Debusscher and An Ansoms, 'Gender equality policies in Rwanda: public relations or real transformations?', *Development and Change*, 44:5 (2013), p. 1115; Jessee, 'Rwandan women', p. 65; David Mwambari, 'Women-led non-governmental organizations and peacebuilding in

woman was expected to remain in the household and cultivate her husband's fields, only leaving the home for necessities and to visit her parents.[346] Researchers and their interviewees have drawn upon Rwandan proverbs to make assertions about longstanding views that women should stay silent. In her consideration of the constraints on women's agency during the perpetration of the genocide, Hogg (2010) uses Rwandan dictums, including 'in a home where a woman speaks, there is discord', to argue that women were traditionally deferential to their husbands within the home.[347] This expected domestic deference is supported by how men in the post-genocide period were legal heads of households, with a woman only taking on the role – and the legal and economic responsibilities that came with it – when her husband died.[348] Burnet (2011) interviewed a Rwandan woman in 2009 who used the proverb 'hens do not crow where there is a rooster' to help illustrate why women did not speak at public meetings.[349] While these proverbs are problematic as evidence for what Rwandan historic traditions were, their continuing use shows how contemporary Rwandans have presented the idea – and given it legitimacy by embedding it in a deep-rooted past – that women should stay silent in public settings and allow men to speak on their behalf.

Due to a limited evidence base, it is hard to ascertain the extent to which these references to traditional gendered expectations – both in the scholarship and in post-genocide Rwandan society – represent a precolonial reality, or whether they are more reflective of a colonial invention of gendered traditions. Ilaria Buscaglia and Shirley Randell (2012) contend that the concept of men working while women remained in the domestic sphere did not exist in a precolonial society where women were agricultural workers. Instead, they argue that these norms entered Rwandan society during the colonial period, with the introduction of European-style family structures and gendered expectations regarding labour and child-rearing.[350] Similarly, Marie Berry (2018) argues that gendered roles in the household and community came into force under colonial rule, with the emphasis being placed on marriage and

Rwanda', *African Conflict & Peacebuilding Review*, 7:1 (2017), pp. 67, 74; Stern et al., 'Doing and undoing', p. 978; Karen E. Woody and Abbey R. Stemler, 'The role of women entrepreneurs in rebuilding a nation: the Rwandan model', *Minnesota Journal of International Law*, 28:2 (2019), p. 388.

[346] Danielle de Lame, 'Changing Rwandan vision of women and land, in the heart of the house, at the outskirts of the world', *Afrika Focus*, 15:1-2 (1999), p. 5.

[347] Hogg, 'Women's participation', pp. 71-2.

[348] Evelyn A. Gertz et al., 'Gender and genocide: assessing differential opportunity structures of perpetration in Rwanda', in Timothy Williams and Susanne Buckley-Zistel (eds.), *Perpetrators and Perpetration of Mass Violence: Action, Motivations and Dynamics* (London, 2018), p. 137; Stern et al., 'Doing and undoing', p. 978.

[349] Burnet, 'Women have found', p. 317.

[350] Ilaria Buscaglia and Shirley Randell, 'Legacy of colonialism in the empowerment of women in Rwanda', *Cosmopolitan Civil Societies: An Interdisciplinary Journal*, 4:1 (2012), p. 73.

motherhood as the main duties for women.[351] These two works suggest that it was under colonialism that the norm of women occupying domestic roles and staying away from public-facing positions entered Rwandan society. Ultimately, however, it remains unclear how deep-rooted or 'traditional' the culture of women being unwelcome and silent in public settings was, and how much Belgian colonialism drew upon or changed existing gendered ideals. Regardless of how 'traditional' the roots of women's expected silence in public were, Rwandans in the post-genocide period understood it to be a longstanding cultural norm. This belief contributed to, and justified, women facing significant constraints regarding their public behaviour.

Pre-genocide political roles

Despite the cultural expectation of women's silence, some women have acted and spoken in public settings throughout Rwanda's history. A small number of women held roles in politics in pre-genocide Rwanda. The queen mother was an important role in the royal court, and two have been given particular attention in the scholarship.[352] Umugabekazi Nyiramongi – who held the position between 1847-63 – was the mother of *Mwami* Rwogeri. She built a network of personal connections, convinced her husband to name Rwogeri as his successor over his other sons, and controlled armies and cattle herds.[353] The second, Kanjogera, was the mother of *Mwami* Musinga, who reigned between 1895-1931. Rwandan oral history details how she wielded power over her husband and overthrew her adoptive son so that her biological son could become king.[354] These two women are considered to have used their marriages and relationships with male relatives firstly to place themselves in the position to become queen mother, and then to use that status to exert influence within the royal court. For both of these women, however, the forms of speech that aided their power were not public. Rather, it was the ability to talk to, convince, and persuade the men with whom they were related and connected that ultimately helped them achieve power in this political sphere.

After independence in 1962, some women held political positions in the postcolonial period. Women remained the minority in parliament but had some representation: they held 12.9 per cent of parliamentary seats in 1983, and 15.7 per cent in 1988.[355] Agathe

[351] Berry, *War*, pp. 33-4.
[352] Ibid., p. 32; Sarah E. Watkins and Erin Jessee, 'Legacies of Kanjogera: women political elites and the transgression of gender norms in Rwanda', *Journal of Eastern African Studies*, 14:1 (2020), p. 90.
[353] Sarah E. Watkins, '"Tomorrow she will reign": intimate power and the making of a queen mother in Rwanda, *c.*1800-1863', *Gender & History*, 29:1 (2017), pp. 133-5.
[354] Berry, *War*, p. 32; Watkins and Jessee, 'Legacies', p. 85.
[355] Berry, *War*, p. 38.

Uwilingiyimana served as Prime Minister from 18 July 1993 until she was killed on 7 April 1994, and was known for speaking against the president's extremist faction and advocating for women's rights, including at protest marches and in interviews to the media.[356] In a more informal role, Agathe Kanziga, wife of President Juvenal Habyarimana, was considered by many Rwandans as an influencing figure behind her husband's presidency.[357] Her family and patronage networks formed the *akazu*, a group central in the promotion of Hutu extremism within Rwandan politics.[358] Similarly to the queen mothers, Kanziga exercised power more through her interpersonal connections and ability to influence those closest to her than through public speech acts. These roles show that women held positions of influence in the highest spheres of Rwandan politics in the pre-genocide period. Yet, the relationship between women's political roles and public speech was not clearly defined. It was often through other forms of more private negotiations and relationship-building that these women gained and exercised political power.

Furthermore, these political positions were not open to all women and they by no means normalised the concept of 'ordinary' women either holding public roles or speaking in public. To obtain and maintain the position of queen mother, women relied upon having access to a personal network of powerful men, starting with their relationship with the *mwami*. Similarly, it was primarily women with personal connections who were able to enter the postcolonial political domain: most female parliamentary representatives in the 1980s were the wives and family of Habyarimana's advisors.[359] In addition, those who entered the male-dominated political space were often seen as contravening gendered expectations. Kanziga was compared negatively to Kanjogera by critics to malign her transgression of contemporary gender norms through the way she wielded political power and allegedly held power within her marriage.[360] The Hutu extremist magazine *Kangura* reacted to Uwilingiyimana's public criticism of Hutu ethnic extremism by depicting her as using her body to advance her political career and likening her to a sex worker through sexualised images of her.[361] Women's political presence, actions, and speech risked leading to stigma and public ridicule for behaviour that transgressed gender roles. A public presence in politics for an exclusive fraction of women did not equate to the

[356] Hogg, 'Women's participation', p. 75; Georgina Holmes, 'The postcolonial politics of militarizing Rwandan women: an analysis of the extremist magazine *Kangura* and the gendering of a genocidal nation-state', *Minerva Journal of Women and War*, 2:2 (2008), pp. 58, 60.
[357] Watkins and Jessee, 'Legacies', p. 91.
[358] Berry, *War*, p. 37.
[359] Ibid., p. 38.
[360] Watkins and Jessee, 'Legacies', pp. 91-2.
[361] Holmes, 'Postcolonial politics', pp. 58-9.

normalisation of women in this public sphere, nor did it take place in an arena where women necessarily found power through public speech.

Spiritual and religious leadership

As well as politics, roles in spiritual and church leadership provided opportunities for women to act outside gendered norms. Church women's groups in the 1980s and 1990s allowed women to become involved in community leadership and development programmes, including assisting groups such as homeless children and people diagnosed with HIV/AIDS.[362] For example, Monique Mujawamaliya worked as a social assistant in a Catholic centre and formed the *Association Rwandaise pour la Défense des Droits de la Personne et des Libertés Publiques* to help the families of those arrested during the civil war of the 1990s.[363] Similarly, Rénate Ndayisaba was the director of the Department for Women for the Presbyterian Church in Rwanda, a role that involved planning national women's meetings and seeking international financial assistance for women's groups.[364] These examples suggest that for a small number of women, churches provided spaces where they could step outside their prescribed roles and undertake public-facing positions in their local communities. It is less clear the extent to which these actions linked to forms of public speech, but it can be assumed that undertaking these roles involved, at the very least, speaking to strangers in public settings such as meetings.

Women also performed roles as Nyabingi spirit mediums in the precolonial and early colonial periods.[365] Nyabingi was a female spirit to whom populations looked for answers about health and fertility.[366] When a person consulted a Nyabingi medium, the voice of Nyabingi was understood as speaking through the medium, providing insight into the sources of the person's problem and how to resolve it.[367] These consultations took place in private locations between the medium and civilian, but provide an example of women speaking outside their family and kinship groups, to strangers, in an authoritative manner. Spirit mediumship could be a prestigious role, granting women a level of respect within their communities. For

[362] Timothy Longman, *Christianity and Genocide in Rwanda* (Cambridge, 2010), pp. 106-7.
[363] Ibid., p. 141.
[364] Ibid., pp. 206, 218-20.
[365] For example: Marcel Pauwels, 'La culte de Nyabingi (Ruanda)', *Anthropos*, 46:3-4 (1951), p. 349; Jim Freedman, 'Ritual and history: the case of Nyabingi', *Cahiers d'Études Africaines*, 14:53 (1974), pp. 170-1; Steven Feierman, 'Healing as social criticism in the time of colonial conquest', *African Studies*, 54:1 (1995), p. 84; De Lame, 'Changing Rwandan vision', p. 8; Richard Vokes, *Ghosts of Kanungu: Fertility, Secrecy and Exchange in the Great Lakes of East Africa* (Suffolk, 2009), p. 35.
[366] Freedman, 'Ritual', p. 170.
[367] Feierman, 'Healing', p. 79.

example, Rutajira Kijuna, a medium in the late-nineteenth century, was accorded the royal greeting *kasinge* and given praise names including *Akiz'abantu* [Saviour of the People].[368] Spirit mediumship simultaneously enabled and constrained these women's public voices. Nyabingi mediums used their 'possession' to gain authority in this role and speak outside gendered norms. Yet, it was not the individual women themselves who were understood to have been speaking; rather, their 'possessed' self was seen as a conduit for Nyabingi. Furthermore, the women who held positions as mediums were often physically accompanied during mediumship by their husbands who also spoke through the spirit, suggesting that these men acted to control, or at least monitor, their wives' voices and agency in this role.[369] While spirit mediumship and churches provided women with opportunities to perform public roles, the relationship between public speech and these roles was less clearly defined.

Business and economic roles

Businesses and working environments provided domains for women to act and speak in public roles outside cultural gender norms, but where women did so they risked being stigmatised by wider society. Villia Jefremovas (1991) argues that working Rwandan women needed to play the roles of virtuous wives or virginal daughters, or risk being characterised as 'loose women'.[370] In 1984-5, she interviewed three women who ran brick-making businesses. Despite running the business, the married woman interviewed allowed her husband to see himself as the exclusive owner, and the widowed woman interviewed considered her husband as the business's owner and continued to use his name as head of the business, claiming her right to run it through her marriage to him.[371] In contrast, Jefremovas interviewed an unmarried woman who had become pregnant and did not have her father's support in her business endeavours. Without the support of a man, she was ridiculed publicly within her cooperative.[372] These women found that they could run a public enterprise successfully and respectably, but only where they acted first and foremost in the manner expected of Rwandan wives and daughters, deferring to their male relatives. This finding suggests that women's public economic power

[368] Ian Linden and Jane Linden, *Church and Revolution in Rwanda* (Manchester, 1977), p. 19.
[369] Feierman, 'Healing', p. 85.
[370] Villia Jefremovas, 'Loose women, virtuous wives, and timid virgins: gender and the control of resources in Rwanda', *Canadian Journal of African Studies*, 25:3 (1991), pp. 378-9.
[371] Ibid., p. 389.
[372] Ibid., pp. 384-6.

had acceptable, and unacceptable, forms, linked at least in part to the support of their male relatives and women's obedience to these men.

The lives of *femme libres* in Kigali in the 1970s provide a further example of women facing stigma for working in a public environment outside gendered expectations. These female sex workers who worked in bars had a reputation as '*filles vulgaires*' [vulgar girls] and were seen by men as *'trop audacieuses*' [too audacious] and '*malhonnêtes*' [indecent].[373] The government introduced measures to reduce the presence of these workers, including rounding them up and detaining them in 're-education centres'.[374] While this reputation was by no means unique to Rwandan sex workers, their widespread stigmatisation reveals the challenges faced by women who attempted to work publicly and gain financial power in a way that clashed so clearly with gendered expectations.

Radio Télévision Libre des Mille Collines (*RTLM*) broadcaster Valérie Bemeriki provides a striking example of a woman employed in a public-speaking role during the genocide and using this platform to incite violence. Dubbed 'radio machete', *RTLM*'s presenters spread fear of a Tutsi genocide, encouraged progress of the Hutu-perpetrated genocide, and broadcast the identities and locations of Tutsi targets.[375] Translated *RTLM* transcripts archived by the Montreal Institute for Genocide and Human Rights Studies provide evidence of Bemeriki encouraging continued violence against Tutsis. In a transcript from 20 June 1994, after describing supposedly murderous actions undertaken by Tutsis, she is recorded as saying 'we must take our revenge on the *Inyenzi* and *Inkotanyi* and exterminate them'.[376] In their explicit calls for violence and derogatory terms for Tutsis, the contents of Bemeriki's broadcasts sit in stark opposition to the cultural expectation that Rwandan women should remain silent and 'virtuous' in public. Instead, alongside her male colleagues, Bemeriki used her role as a radio broadcaster to advance publicly a 'genocide ideology'. Unfortunately, there is little evidence for how radio broadcasting during the genocide was heard by Rwandans, so it is unknown how many Rwandans listened to Bemeriki's broadcasts or how she was perceived by them.

---

[373] Marijke Vandersypen, 'Femmes libres de Kigali', *Cahiers d'Études Africaines*, 17:65 (1977), pp. 110, 115, 118.
[374] Ibid., p. 113; Berry, *War*, p. 39.
[375] Elizabeth Baisley, 'Genocide and constructions of Hutu and Tutsi in radio propaganda', *Race & Class*, 55:3 (2014), p. 40; Scott Straus, 'What is the relationship between hate radio and violence? Rethinking Rwanda's "radio machete"', *Politics & Society*, 35:4 (2007), p. 1; Helen M. Hintjens, 'Explaining the 1994 genocide in Rwanda', *The Journal of Modern African Studies*, 37:2 (1999), p. 268.
[376] Lydie R. M. Mpambara (trans.), 'RTLM 50 of 20/06/94', *Montreal Institute for Genocide and Human Rights Studies*, p. 1, <http://migs.concordia.ca/links/documents/RTLM_20Jun94_eng_tape0035.pdf> (accessed 20.4.2020).

In pre-genocide Rwanda, holding roles in organisations and institutions from businesses to political families and parties provided the main avenue into being able to act, work, and exert influence in various public spheres. Women's agency and speech in these settings were not necessarily equivalent, nor was public speech how many women successfully exerted power in public life. Some of these institutions also constrained women's agency and reproduced ideas about their silence in public settings. Workplaces and spirit mediumship provide two examples of women needing to submit to their male relatives to gain 'acceptable' public power. Where women acted or spoke outside gendered norms, particularly where they were perceived as gaining power over men, they risked considerable stigma. Significantly, these roles were only open to a small minority of socially and economically privileged women. Ordinary Rwandan women did not have access to these roles, and they were not expected to act or speak in the types of public settings to which these roles in turn gave access.

Post-genocide political representation

The end of the genocide and establishment of the RPF regime was undoubtedly a moment of rupture that created the possibility of change in women's lives, and much of the scholarship on women in the post-genocide period has searched for and attempted to evaluate such a change. This scholarship highlights several public spheres in which women were increasingly active in the post-genocide period: most notably, in politics at both national and local levels; in socio-economic arenas through a growing body of women's organisations, NGOs, and women-led businesses; and in court processes. In this way, the institution-enabled public activity of women continued and intensified in the period immediately before, and during, the *gacaca* process. However, an exploration of the agency of women who appeared in these spaces brings to light continued gendered constraints on their actions and speech, as well as the continued absence of most ordinary women from these roles.

Changing government policy meant that women were increasingly present in politics in the post-genocide period. The 2003 constitution introduced gender representation quotas, which mandated that women must fill a minimum of 30 per cent of all decision-making posts.[377] Twenty-four of the eighty seats in the Chamber of Deputies were thus reserved for women through a separate voting system.[378] In the 2008 parliamentary elections, women won

[377] Powley, 'Strengthening governance', p. 2.
[378] Ibid., p. 2.

56.3 per cent of seats in the Chamber of Deputies, and Rwanda became the first country to have a female majority in a national legislative chamber.[379] Women increasingly contributed to parliamentary affairs. For example, the Forum of Women Parliamentarians was established in 1996 as a bipartisan coalition with the aim of strengthening women's presence in parliament. Its duties have included reviewing laws, training women's organisations, and providing legal advice, suggesting that women were speaking publicly in these forms of political meetings.[380] Through this change in national policy, women were able to play an increasingly active role in Rwanda's post-genocide parliament.

Nevertheless, gendered norms continued to influence women's actions in national political arenas. The cultural belief – reflective of an international trope – that women are natural peacemakers played a significant role in this national post-genocide drive to include more women in politics.[381] Women running for election often used the frame of women being peaceful and less culpable for genocide atrocities in their campaigns.[382] This idea of female peacefulness was promoted, including by women themselves, to legitimise women's increasing presence in national politics, thereby both enabling this agency and constraining it within gender norms. Furthermore, Elizabeth Powley (2008) interviewed women who participated in the national convention held to discuss the draft constitution in November 2002 and asked them how they prepared to speak in this arena. One respondent reported that she told herself 'let's not make men think, as they've always thought, that women talk too much: be brief'.[383] This response suggests men's fear of women's eloquence when they spoke in public, and that this woman modified her public speech in an attempt to placate this male response. The national political sphere both provided possibilities for women's roles and speech in public, and placed gendered expectations on such activity.

The national drive for increased female political representation also led to increasing public work for women in local politics. Quotas extended to local female representation, and in the 2006 elections, women won one-third of mayoral and vice-mayoral posts in districts and over 60 per cent of these posts in Kigali.[384] Female MPs undertook work visiting their

[379] Debusscher and Ansoms, 'Gender equality', p. 1117.
[380] Woody and Stemler, 'Role of female entrepreneurs', p. 389; Myriam Gervais, 'Human security and reconstruction efforts in Rawanda: impact on the lives of women', *Development in Practice,* 13:5 (2003), p. 547.
[381] Uwineza and Pearson, 'Sustaining', pp. 15-16.
[382] Berry, *War,* p. 79.
[383] Powley, 'Strengthening governance', p. 26.
[384] Elizabeth Powley, 'Engendering Rwanda's decentralization: supporting women candidates for local office', *Hunt Alternatives Fund: The Initiative for Inclusive Security* (2008), p. 6.

communities and supporting local women's organisations.[385] The establishment of 'women's councils', under the structure of the National Women's Council and consisting of ten female representatives at cell, sector, and district levels, also provided official forums both for informing women of their rights and for articulating these women's views to local authorities.[386] On women's councils, female parliamentarian Berthe Mukamusoni is quoted as saying, 'Hitherto women were not supposed to talk, or "think" in the public arena; the women's councils have been a mobilisation tool educating women to express their views', suggesting that they had changed expectations around women's public speech.[387]

However, this increased political representation primarily affected a small group of women who were predominantly Tutsi, urban, and middle class.[388] Tutsis dominated positions across all areas and levels of the RPF state.[389] The RPF's control over party lists also meant that women elected to parliament often had few ties to rural Rwanda.[390] Despite the claims that women's councils normalised women's voices and views in public settings, women who served on them were primarily literate and members of pre-existing 'high-status' social circles.[391] Contrary to their stated role of involving women in politics and communicating local issues to government, women's councils were primarily top-down instruments used by the state to transmit messages from national to local levels.[392] For example, in their function as dispute reconciliation mechanisms in cases of domestic disagreements, women's councils promoted the state's idealised vision of family life and womanhood, discouraging divorce and keeping women in their place as 'virtuous' wives.[393] Women's councils were a space where a small number of women governed and spoke to the female masses, reproducing gendered ideas of women's family roles, rather than being a space of grassroots female empowerment.[394] Although a change in government policy meant that women in post-genocide Rwanda had

[385] Claire Devlin and Robert Elgie, 'The effect of increased women's representation in parliament: the case of Rwanda', *Parliamentary Affairs*, 61:2 (2008), p. 241.
[386] Powley, 'Strengthening governance', p. 21.
[387] Cited in Cecilia Ntombizodwa Mzvondiwa, 'The role of women in the reconstruction and building of peace in Rwanda: peace prospects for the Great Lakes region', *African Security Studies*, 16:1 (2007), p. 104.
[388] Burnet, 'Women have found', p. 305; Berry, *War*, p. 98.
[389] Filip Reyntjens, 'Rwanda, ten years on: from genocide to dictatorship', *African Affairs*, 103:411 (2004) pp. 187-9.
[390] Gretchen Bauer and Jennie E. Burnet, 'Gender quotas, democracy, and women's representation in Africa: some insights from democratic Botswana and autocratic Rwanda', *Women's Studies International Forum*, 41:2 (2013), p. 108.
[391] Ilaria Buscaglia, 'Femmes qui gouvernent les femmes: émancipation et féminité dans la campagne du post-génocide Rwandais', in Muriel Gomez-Perez (ed.), *Femmes d'Afrique et Émancipation: Entre normes sociales contraignantes et nouveaux possibles* (Paris, 2018), p. 181.
[392] Debusscher and Ansoms, 'Gender equality', p. 1124.
[393] Buscaglia, 'Femmes', pp. 186, 194, 200.
[394] Ibid., p. 195.

greater presence in political institutions at both national and local levels, this participation was limited to a small number of privileged Rwandan women and did not translate into women's widespread public political participation or speech.

Socio-economic roles

Although not new to Rwanda, an expanding body of women's organisations and NGOs in the post-genocide period also provided opportunities for certain women to undertake public-facing roles in their local communities.[395] These roles involved speaking to members of communities but were not centred around acts of public speech. By 1999 there were over 120 women's organisations at a prefectural level, 1,540 at commune level, 11,560 at sector level, and 86,290 at cell level.[396] Some supported local female candidates for political office, while many focussed on implementing programmes that targeted rural women.[397] For example, initially founded in the 1980s, *Association des femmes pour le développement rural* was a network of over 300 women that, after the genocide, helped its members access necessities, ran outreach programmes for widows, and offered trauma counselling.[398] In line with global development aims since the 1990s, international NGOs similarly acted in local communities in the post-genocide period with the goal of empowering women. Some funded women's organisations, and Oxfam GB started a project in Ruhengeri, Umutara, and Gitarama that trained two male and two female representatives from each cell in conflict mediation.[399] However, although the majority of their members and beneficiaries were poor, rural women, women's organisations predominantly provided jobs and platforms for women who already had social status and connections.[400] Those who took advantage of opportunities to take these community leadership roles were, like those who entered politics, primarily Tutsi, educated, and middle-class, and many had been involved in political parties in the late-1980s and early-1990s.[401]

[395] Debusscher and Ansoms, 'Gender equality', p. 1115.
[396] Berry, *War,* p. 87.
[397] Burnet and Mukandamage, 'Réseau', p. 14.
[398] Burnet, *Genocide*, pp. 180-3.
[399] Berry, *War,* pp. 92-3; Rosemarie McNairn, 'Building capacity to resolve conflict in communities: Oxfam experience in Rwanda', *Gender & Development,* 12:3 (2004), p. 89.
[400] Catharine Newbury and Hannah Baldwin, 'Confronting the aftermath of conflict: women's organizations in postgenocide Rwanda', in Krishna Kumar (ed.), *Women and Civil War: Impact, Organizations, and Action* (Boulder, CO, 2001), p. 102.
[401] Berry, *War*, p. 91; Jennie E. Burnet, 'Gender balance and the meanings of women in governance in post-genocide Rwanda', *African Affairs*, 107:428 (2008), pp. 377, 380.

Greater numbers of Rwandan women also played active roles in businesses after the genocide, but like in other public roles, their behaviour was subject to gendered expectations. This work was not centred around women's public speech, providing a further example of how women's agency in public was distinct from public speaking. By 2019, women were at the head of 50 per cent of businesses across Rwanda and comprised between 50-60 per cent of cooperative members.[402] Women in cooperatives took an active role in internal decision-making and held administrative posts, and cooperative membership also helped women access property and develop greater financial independence.[403] However, although rural women participated in agricultural cooperatives, opportunities for entrepreneurship outside the agricultural sphere were predominantly limited to English-speaking, economically privileged, women in Kigali.[404] Other women found that they were sanctioned for working outside formal employment. Berry (2015) interviewed fifteen women working informally in Kigali as street hawkers selling clothes, fruit, and vegetables. All her interviewees reported having been arrested between three and fifteen times.[405] Many street hawkers turned to sex work due to the possibility of higher wages, but Berry's interviewees reported that this work led to even higher rates of arrest.[406] Berry contends that these female-dominated sectors were particularly targeted by police because they were at odds with the 'new Rwanda' that the government was trying to develop after the genocide.[407] Much like the *femmes libres* of the 1970s, where women undertook public work that did not conform to the state's ideals, they risked stigma and sanctions.

Courts and dispute resolution spaces

Appearances of women in courts and dispute resolution settings allow a consideration of their agency and speech in the public spaces that were most similar to post-genocide *gacaca* courts. Rather than taking on a paid, long-term, public position, women in these settings became temporary public actors for the purposes of acting as a party or witness to a dispute. There is evidence of some women speaking in legal settings in the pre-genocide period, but it was in

[402] Woody and Stemler, 'Female entrepreneurs', pp. 392, 395.
[403] Janet Cherry and Celestin Hategekimana, 'Ending gender-based violence through grassroots women's empowerment: lessons from post-1994 Rwanda', *Agenda*, 27:1 (2013), pp. 106-8.
[404] Marie Berry, 'When "bright futures" fade: paradoxes of women's empowerment in Rwanda', *Signs*, 41:1 (2015), p. 18; Woody and Stemler, 'Female entrepreneurs', p. 393.
[405] Berry, '"Bright futures"', p. 19.
[406] Ibid., p. 20.
[407] Ibid., p. 21.

the post-genocide period that women increasingly appeared and spoke in dispute resolution spaces. As well as Rwanda's hierarchy of courts, the newly created women's councils and legal aid clinics functioned as places where women went either to seek help with their cases or to resolve disputes without resorting to courts. However, it was still only a small minority of women who were able to access, and achieve success within, these public settings.

There is some evidence of women speaking before audiences in legal settings in the pre-genocide period. One of Codere's life-history interviewees (1973) recounted how, as a child, he had been a witness alongside his mother in a family dispute involving the ownership of some cows.[408] He said that the judge in the case, *Mwami* Musinga, 'questioned my mother about the case and decided that the two cows were mine'[409]. This case provides rare evidence for a woman speaking as a witness in a court during the colonial period. Some women also spoke before audiences in community *gacaca* trials in the postcolonial period. In his observations of trials in Ndora, Reyntjens (1990) describes a case between two women disputing a debt repayment.[410] The women argued over the extent of the debt and the debate became animated with the two women insulting each other before a resolution was reached.[411] Reyntjens does not consider any gendered dynamics of this dispute, and so it is hard to ascertain how other court participants reacted to their participation, speech, and behaviour. This situation of women debating a case in court was nevertheless unusual, with women much less likely than men to have been parties in *gacaca* disputes. Of the 112 cases in Ndora in a month in 1986, only nine (8 per cent) involved women as both parties; only five (4 per cent) involved a male accuser and a female defendant; twenty-four (21 per cent) involved a female accuser and male defendant; and the remaining seventy-four (66 per cent) had men as both parties.[412] Reyntjens attributes the low number of female defendants in particular to the dominant position of men in Rwandan culture reducing the need for men to take disputes against women to court.[413] Yet, it is notable that some women within local communities actively decided to pursue legal action, knowing that they would need to debate publicly in court. Although rare, it was not unheard of for women to testify in communal court settings in the pre-genocide period.

However, it was not until the post-genocide period that women were increasingly involved as parties to land, marital, and domestic disputes. Land reforms after the genocide

[408] Codere, *Biography*, pp. 101-3.
[409] Ibid., p. 103.
[410] Reyntjens, 'Le *gacaca*', p. 31.
[411] Ibid., pp. 31-2.
[412] Ibid., pp. 34-5.
[413] Ibid., p. 35.

meant that women became legally entitled to land inheritance and ownership, but they still faced obstacles to land possession.[414] There was resistance to allowing daughters to inherit land, and the continued prevalence of informal marriages meant that women who were not legally recognised as wives struggled to take advantage of laws granting them inheritance rights.[415] These factors combined to mean that women faced both increasing opportunities and an increasing necessity to enter land dispute resolution processes. By 2001, 30 per cent of land cases in the canton court in Kinigi commune involved women claiming their rights.[416] Burnet and the Rwanda Initiative for Sustainable Development (2003) give the example of a widowed woman who in 1998 returned to the land she had shared with her husband. When her husband's brothers tried to force her to leave, she took the case to local officials, who adjudicated in her favour in *gacaca*.[417] As well as land dispute cases, women increasingly took domestic violence cases and marital disputes to legal aid clinics and the newly formed women's councils.[418] Doughty (2016) observed a case in 2008 of a woman who approached a legal aid clinic in Butare for help securing paternal recognition of her baby and debated this case with the alleged father of her child.[419] It was becoming increasingly common for women to choose to enter, and speak publicly in, dispute resolution processes in the post-genocide period. Women used these forms of public speaking in attempts to gain legal rights over their possessions and personal lives.

However, much like other Rwandan public arenas, women faced gendered barriers to acting and speaking in these spaces. The complex legal system was difficult to navigate for women who did not have a formal education, or who were not wealthy and well connected.[420] Many women did not have knowledge of their legal rights, such as their matrimonial property rights in the case of divorce.[421] Such ignorance of the law, combined with a lack of wealth and connections, significantly hindered the ability of most women to take their disputes to resolution mechanisms.

Furthermore, women who were able to enter dispute resolution processes found that gendered norms within these spaces presented obstacles to them achieving successful outcomes. As well as the difficulties and societal stigma faced when speaking against their

[414] Polavarapu, 'Procuring', pp. 118, 121.
[415] Ibid., p. 106.
[416] Burnet and RISD, 'Culture', p. 194.
[417] Ibid., p. 194.
[418] Doughty, *Remediation*, pp. 160-71; Buscaglia, 'Femmes', p. 186.
[419] Doughty, *Remediation*, pp. 160-71.
[420] Laurel L. Rose, 'Women's land access in post-conflict Rwanda: bridging the gap between customary land law and pending land legislation', *Texas Journal of Women and the Law*, 13:2 (2004), pp. 226-7.
[421] Brown and Uvuza, 'Women's land rights', p. 16; USAID, 'Assessment', p. 15.

male relatives, which have already been discussed, evidence suggests that some women faced stigma in these spaces when their cases or alleged actions somehow transgressed gender norms. Doughty (2016) observed the case of a woman who approached a legal clinic in Butare in 2008, wanting help in seeking a divorce from her husband on the grounds of adultery. The clinic staff lectured the woman about the moral obligations of marriage, including the need to keep her family together and support her husband. Although the clinic staff ultimately supported her legal case in practical terms, they suggested that she must have been sexually indiscrete and already in a relationship with another man if she wanted to leave her husband.[422] This woman faced the barrier of the staff's gendered assumptions that a woman's role as a wife should take priority over her legal rights. Although she was able to achieve her desired outcome, her reputation as a virtuous Rwandan woman was threatened as a result. Where women were able to overcome gendered barriers to accessing dispute resolution processes, many found that the attitudes of those with power within them, including male relatives, mediators, and judges, made achieving success difficult. The small minority of women who acted as parties and testifiers in these spaces also had to make decisions about whether to risk the wider societal consequences of transgressing gendered norms in these settings. Where women were deemed to have exerted power over men, especially their male relatives, male authority figures in these courts punished them for doing so, thereby reproducing expectations of female submissiveness.

Continued constraints on women's public behaviour

Despite these increasing opportunities in the post-genocide period for some women to have a larger presence in their communities and hold public roles in politics, civil society, and business, as well as to act in dispute resolution spaces, there remained significant continuities with the pre-genocide period in terms of gendered norms regarding public behaviour in certain settings. Although Burnet (2008) contends that only a minority of Rwandans held the belief in the post-genocide period that outspoken women were 'loose', evidence from other scholars' interviews and observations shows that women who entered public spaces still competed against gendered expectations.[423] Male dispute mediators in Musanze district expressed the belief in 2015 that some women had abused the rights granted to them by policy, acting improperly by not taking care of their households and spending more time away from their

[422] Doughty, *Remediation*, pp. 179-81.
[423] Burnet, 'Gender balance', p. 985.

homes in places such as bars.[424] These beliefs provide evidence of men with positions of authority in local dispute mechanisms continuing to hold values that virtuous women should not behave as men did in public, in terms of both speech and their actions more widely. Suzanne Ruboneka of the women's organisation *Pro-Femmes/Twese Hamwe* said in an interview 1999 that 'Women still don't dare express themselves publicly, especially when there are men present.'[425] Rural women in Kamonyi district spoke in 2015 of preferring to stay silent to avoid the social disapproval of speaking in public.[426] Similarly, Brown (2018) observed that although women participated in community meetings in cities, rural women often spoke quietly into their hands or let men speak on their behalf when in public areas.[427] These findings show that, in the post-genocide period, gendered expectations that women should remain absent from, or silent in, certain public spaces remained, and rural women modified their public behaviour because of these continued social norms. Absence from, and silence within, public settings were still linked to ideas of female virtue.

At the point of the implementation of *gacaca*, most accused women who were poor, rural, or Hutu had not previously acted or spoken in such a public setting. Certain institutions and organisations had increasingly enabled women's participation in public settings and roles, especially in the post-genocide period with the new regime's push for increasing gender parity in political positions. In some arenas, such as spiritual leadership and post-genocide politics, holding public roles led to opportunities for women to speak publicly. However, public agency and speech were not synonymous, and women often exercised power in public without speech. Furthermore, many institutions and the male actors who held power within them – such as courts, politics, and businesses – constrained women's actions and reproduced gendered norms around behaviour, including silence, resulting in societal stigma for those women who acted or spoke publicly outside gendered expectations. This reaction was especially the case where women were deemed to have exerted power over men, particularly their male relatives, through their public actions and speech. Finally, the women who were able to use public roles within these structures to act and speak publicly were predominantly Tutsi, urban, and economically privileged. For those who were poor, Hutu, or lived in rural areas, the cultural expectation that women should stay silent in Rwanda's various public settings remained. The women who

[424] Jeannette Bayisenge et al., 'Women's land rights in the context of land tenure reform in Rwanda – the experiences of policy implementers', *Journal of Eastern African Studies*, 9:1 (2015), p. 81.
[425] Suzanne Ruboneka, cited in Heather B. Hamilton, 'Rwanda's women: the key to reconstruction', *Journal of Humanitarian Aid*, 11 (2000), n.p.
[426] Kagaba, 'Women's experiences', p. 586.
[427] Brown, *Gender and Genocide*, p. 138.

defended themselves in *gacaca* did so in an environment where their voices were not normalised or widely accepted in public settings; where they faced repercussions for the perception of exerting power over men; and where women's silence was a behaviour that was still associated with virtue.

Silence in *gacaca*

Most accused women spoke in *gacaca*, but a theme emerges across the reports of women using silence, in its multiple forms, as a successful defence strategy. The ambiguity of silence and the nature of court reports as an evidence base means that each individual woman's public silence cannot easily be linked directly to her gender, but the emergence of a pattern of silence across the women's trials suggests that it is important to analyse this silence in light of continued gender norms around women's behaviour in public settings. The reports reveal examples of women who avoided talking about certain crimes or allowed their crimes to become ignored during group trial discussions. A small number of women refused to present a defence testimony or chose to remain absent from court. Analysis of these trials reveals that silence was a way for these women to control which information was revealed publicly, and thereby exert subtle power in *gacaca* and evade its aim of revealing and punishing genocide actions. Silence was also a behaviour that allowed some women to portray a moral, 'non-genocidal' version of their present-day selves within the context of cultural expectations of 'virtuous' women's silence in public. Using silence in *gacaca* tended to be successful, but this strategy was dangerous and could incur severe consequences for those women who used it. It did so notably in later years, as participants gained a set of expectations that women should speak in these public court spaces. Two later case studies provide examples of judges and witnesses accusing women of withholding information, compelling them to elaborate further on their testimonies and punishing them for this silence. The report evidence thereby suggests that the *gacaca* process changed norms around women's silences and voices in these public settings.

Silence as a form of agency was not unique to women in *gacaca* courts. In gendered, women's, and feminist research, the search for women's 'empowerment' has often equated to a search for their voices, especially in contexts where they spoke out against male authority.[428]

[428] Jane L. Parpart, 'Choosing silence: rethinking voice, agency and women's empowerment', in Róisín Ryan-Flood and Rosalind Gill (eds.), *Secrecy and Silence in the Research Process: Feminist Reflections* (Oxford,

Through this framework, silence – the absence of this voice – is equated with oppression.[429] The scholarship on Rwandan women in public has largely taken the view that women's voices in public settings provide evidence for their empowerment, while their silence in such settings provides evidence for their continued lack of agency. However, a small but growing body of theoretical and empirical literature considers how the conscious silence of actors can be a way of expressing agency; in particular, how silence has constituted a strategy of resistance to authority, or a way to avoid harm or punishment.[430] For example, Susan Thomson (2013) explores how young Somali refugee women used silence strategically in their daily lives to navigate the dangers they faced, and Ayelet Harel-Shalar and Shir Daphna-Tekoah (2018) interviewed Israeli women soldiers who, the researchers argue, used silence in these interviews as a way of resisting taking personal ownership of their roles in warfare.[431] Regarding Rwanda, Burnet (2012) and Yuko Otake (2019) contend that some victims of RPA-perpetrated violence during the genocide have used silence as a strategy to avoid the consequences of speaking out against this state-denied phenomenon.[432] Tom Goodfellow (2013) argues that Kigali citizens' belief that the Rwandan state was always watching them led to them staying silent about grievances against the state, with silent compliance and silent covert resistance coexisting in this context.[433] Andrea Purdeková (2016) takes this examination of state surveillance further, contending that in a post-genocide 'development state' with increasing institutions and spheres of public activity, individuals have often used silence to undermine state surveillance and express disagreement with the state.[434] Most significantly, Thomson (2018) has explored silence as a display of political agency for socially marginalised and politically vulnerable

2010), p. 15; Jane L. Parpart and Swati Parashar, 'Introduction: rethinking the power of silence in insecure and gendered sites', in Jane L. Parpart and Swati Parashar (eds.), *Rethinking Silence, Voice and Agency in Contested Gendered Terrains* (London, 2018), p. 2.

[429] Parpart and Parashar, 'Rethinking', p. 4; Christine Sylvester, 'Voice, silence, agency, confusion', in Parpart and Parashar (eds.), *Rethinking*, p. 16.

[430] For example: Himika Bhattacharya, 'Performing silence: gender, violence, and resistance in women's narratives from Lahaul, India', *Qualitative Inquiry*, 15:2 (2009), pp. 359-71; Christine Keating, 'Resistant silences', in Sheena Malhotra and Aimee Carrillo Rowe (eds.), *Silence, Feminism, Power: Reflections at the Edge of Sound* (London, 2013), pp. 25-33; Sophia Dingli, 'We need to talk about silence: re-examining silence in International Relations theory', *European Journal of International Relations*, 21:4 (2015), pp. 721-42; Amy Jo Murray and Kevin Durrheim, 'Introduction: a turn to silence', in Amy Jo Murray and Kevin Durrheim (eds.), *Qualitative Studies of Silence: The Unsaid as Social Action* (Cambridge, 2019), pp. 1-20.

[431] Susan Thomson, 'Agency as silence and muted voice: the problem-solving networks of unaccompanied young Somali refugee women in Eastleigh, Nairobi', *Conflict, Security & Development*, 13:5 (2013), pp. 589-609; Ayelet Harel-Shalar and Shir Daphna-Tekoah, 'Listening to silences and voices: a methodological framework', in Parpart and Parashar (eds.), *Rethinking*, pp. 78-9, 88.

[432] Burnet, *Genocide*, p. 117; Yuko Otake, 'Suffering of silenced people in northern Rwanda', *Social Science & Medicine*, 222 (2019), p. 178.

[433] Tom Goodfellow, 'The institutionalisation of "noise" and "silence" in urban politics: riots and compliance in Uganda and Rwanda', *Oxford Development Studies*, 41:4 (2013), pp. 447-9.

[434] Purdeková, '"Mundane sights"', pp. 76-8.

women in post-genocide Rwanda, using the case study of a woman named Jeanne. Thomson argues that silence was imposed upon Jeanne by her position as a poor, Hutu woman who was the widow of an accused perpetrator, but that Jeanne also employed silence as a strategy to protect herself from government officials and to resist government narratives about who could be a genocide survivor.[435] Thomson points to how Jeanne's efforts to remain silent in *ingando* 're-education' camp recruitment meetings and avoid attending the camps were forms of resistance.[436] This body of literature points to multiple ways in which individuals, especially those who found other forms of their agency limited, have used silence as a way to resist and evade authority.

Although not the focus of existing research, silence has been identified as a strategy used by some accused individuals in *gacaca*. Burnet (2008) and Rettig (2009) point to how certain communities of defendants formed *ceceka* [keep quiet] groups, in which individuals made pacts not to speak against other group members.[437] Rosoux (2009) also argues that individual defendants made risk calculations about which parts of their story to reveal, omitting information that might lead to further accusations or placement in a higher crime category.[438] In a court system that relied upon public spoken testimony, staying silent could limit the amount and strength of incriminating evidence against a person. Furthermore, Geraghty (2020) contends that those who spoke only when judges directly questioned them were seen by judges as humble and less of a present-day 'threat'.[439] This argument suggests that limiting testimony and using silence as a behaviour at certain points in the trial could help an individual perform virtue and present a 'non-genocidal' morality.

As with women's other trial strategies, it is important to note that the reports do not allow a confident assertion of individual women's motivations for using silence. Nevertheless, in light of this wider research, as well as the understanding of *gacaca* testimonies as performative stories of genocide designed to achieve an individual's desired trial outcome, women's use of silence in *gacaca* should be analysed through the lens of choice and agency. Such choices were not necessarily completely free; they might have been influenced by factors such as women's interpersonal relations with other participants, their social positions, the fear of revealing self-incriminatory evidence, and the prevailing gendered norms around women's

[435] Susan Thomson, 'Engaged silences as political agency in post-genocide Rwanda: Jeanne's story', in Parpart and Parashar (eds.), *Rethinking*, pp. 110, 116-17.
[436] Ibid., p. 115.
[437] Burnet, 'Injustice of local justice', p. 179; Max Rettig, 'Gacaca: truth, justice, and reconciliation in postconflict Rwanda?', *African Studies Review*, 51:3 (2008), p. 40.
[438] Rosoux, 'Réconcilier', n.p.
[439] Geraghty, 'Gacaca', p. 598.

public behaviour. Yet, regardless of women's precise motivations, in a court system that compelled individuals to testify to their full knowledge of genocide events, employing silence should be considered as a conscious and deliberate strategy.

Women were not the only accused individuals using silence in *gacaca*; this strategy was not exclusive to those of their gender, nor was it a strategy determined by a woman's gender, since many women did not use silence when testifying. Nevertheless, it is necessary to consider these silences in the context of women's gender. Thomson (2018) argues that Jeanne's silence was rooted in gender norms about women not talking about their private lives in public.[440] Individual women's silences in *gacaca* must also be analysed in this context. Whether they were deliberate exploitations of the gendered expectation that a moral Rwandan woman would remain silent in such public settings; whether they were indicative of a lack of previous experiences for poor, rural or Hutu women to speak publicly; whether they represented a desire to conform to cultural expectations; or whether individuals were simply remaining silent for other reasons, these silences all took place in the context of a continued widespread expectation that virtuous Rwandan women would stay silent in this sort of public setting.

Accused men's silences, of course, should also be considered in relation to their gender rather than assumed to be an ungendered action to which women's silences are compared. For example, the formation of pacts of silence in all-male prison environments raises questions about how they might relate to masculine codes of social power and loyalty, but this analysis is unfortunately beyond the scope of a project that aims to explore the complexities of accused women's trials.[441]

There are undoubtedly significant methodological difficulties in studying silences, particularly when using trial reports that record what actors said, not what they did not say. Silences do not have clear identifying markers, raising the question of how to prove that something is missing.[442] Multiple interpretations of silences are also possible, and Lene Hansen (2018) argues that researchers therefore need to embrace the 'inevitable uncertainty' of analysing silences.[443] Regarding this ambiguity, Thomson (2018) points to the particular difficulties of distinguishing between imposed silences and silences that challenge power

[440] Thomson, 'Engaged silences', p. 117
[441] Rosoux, 'Réconcilier', n.p.
[442] Murray and Durrheim, 'Turn to silence', pp. 9-10.
[443] Lene Hansen, 'Reconstructing the silence/speech dichotomy in feminist security studies: gender, agency and the politics of subjectivity in *La Frontière Invisible*', in Parpart and Parashar (eds.), *Rethinking*, pp. 29, 34.

structures.[444] Both distinguishing where silences exist, and why an actor is silent on that occasion, are challenging due to the inherent ambiguity of the object of analysis.

Regarding women's silences in *gacaca*, these analytical difficulties can be addressed – even if not completely overcome – by remaining conscious of the ambiguity of individual silences, while placing them in conversation with each other. Thematic analysis of all ninety-one women's trials exposes gaps where silences appear in individual cases. This approach leads to the identification of multiple forms of women's silence in *gacaca*, including silences around certain events in their testimonies; refusals to tell their stories of genocide; and absences from court. These women's silences are revealing of the particular public nature of *gacaca* as a space where, at least initially, only certain private individuals were expected to contribute to the knowledge-generation of genocide events, while others were not. Some women were able to avoid becoming publicly speaking actors in these court settings and gained power through not having to contribute to this public discourse. This thematic analysis also reveals how other participants reacted to women's silences, which were initially a largely successful defence strategy but were less so in later years as judges accused women of withholding information and compelled them to speak further. This change in attitudes towards women's silence in *gacaca* suggests that, while many accused women successfully exerted power through their public silence in the context of gendered norms, the *gacaca* process itself altered expectations about women speaking in this public forum and contributing to the public 'truth' of the genocide.

Steering discussions away from certain crimes

Accused individuals often faced multiple charges in *gacaca*. Many women gave defence testimonies that focussed on certain crimes and neglected to tell a story about others. The precise motivations of individual women remain obscured, but it is reasonable to suggest that women who avoided addressing, and thereby stayed silent about, certain charges might have aimed to steer *gacaca* discussions away from crimes that carried a longer sentence or for which they thought they were less likely to achieve an acquittal. Withholding information about these crimes was a way to avoid acknowledging their occurrence. The reports provide evidence that many women found that steering testimonies and conversations away from certain crimes often led to acquittals for these accusations.

[444] Thomson, 'Engaged silences', p. 121.

Alice was tried in front of around 100 people in Kigali City in August 2006.[445] At the beginning of her trial, a judge read out that she was charged with two counts of alerting assailants: the first was for alerting the assailants who attacked Claudine, and the second was for alerting the assailants who attacked Olive. Alice denied the charges, and when invited by the president to give her testimony, she presented a story of how she was not involved in revealing Claudine's hiding place. Alice did not address the accusation of her involvement in Olive's attack. Her story was that Claudine had hidden at Alice's mother's house, before moving to Alice's sister's house. Alice then said that she visited her sister to deliver the news of their father's death, and that she saw Claudine and Claudine's brothers hiding there. Alice said she warned them of the danger of their hiding place being discovered if they went out, and claimed that she did not see them again until after they were driven out of hiding by the *Interahamwe*. Alice mentioned Olive only once in this testimony, to say that she was one of the three people hiding at Alice's parents' house, but Alice told no story of how Olive was discovered by her attackers. In their questioning, the judges did not ask Alice for any further detail on the accusation regarding Olive.[446] The judges did not challenge Alice's silence on this matter.

If Alice's aim had been to steer the entire *gacaca* discussion away from the charge against Olive, she was not wholly successful. Olive spoke as a witness, saying that she and her son were hiding at Alice's mother's house, but that when her son was at the point of starvation, she gave Alice's mother some money to buy food. According to Olive, Alice's mother sent her granddaughter to buy sugar for them, but the granddaughter never returned. Olive said that it was after this event that an attack group composed of Alice's brothers came to find her. Olive believed that Alice discovered from her daughter that Olive was hiding at the house, and sent her brothers there. In this testimony, Olive put her story of Alice's involvement in her attack before the court, meaning this charge was not entirely absent from the debates.

Nevertheless, the judges did not explore this accusation regarding Olive further. Despite the charge against Olive being listed in Alice's case file, when calling Olive to speak, the judges named her as a witness rather than a victim party. This labelling was something that Olive contested, and it speaks to how the judges focussed on the alleged crime against Claudine –

[445] ASF, 'Observations des juridictions gacaca: Ville de Kigali: Août 2006', *Unpublished monthly review* (2006), p. 14.
[446] Ibid., p. 15.

whom they did name as a victim party – over that against Olive.[447] Furthermore, the crime against Olive did not appear in the judges' final verdict, which read that the court

> *a jugé l'accusée [Alice] poursuivie pour avoir alerté l'attaque qui a délogé [Claudine] … La juridiction constate que [Claudine] s'est cachée chez la grande sœur de l'accusée, que celle-ci l'y a trouvée mais que rien ne prouve que ce soit l'accusée [Alice] qui a dénoncé sa cachette.*
> [has judged the accused Alice, taken to court for having alerted the attack that drove out Claudine … The jurisdiction notes that Claudine hid at the house of the accused's older sister, that the accused found her there but that nothing proves that it was the accused Alice who revealed her hiding place.][448]

Alice was acquitted of the accusation regarding Claudine on the basis that the evidence against her was not strong enough to prove her involvement, while the bench remained silent about the charge involving Olive.

Alice started the silencing of this charge by avoiding addressing it in her defence testimony, choosing to present her genocide story as relating solely to the events that led to Claudine's discovery. Yet, it is significant that the judges enabled this silencing of the charges regarding Olive. They did not question Alice about Olive's attack after the initial defence testimony, they did not call Olive as a named victim party, and they removed this charge in their final verdict. The only piece of evidence for why the judges enabled this avoidance of the crime against Olive comes from one of the observer's notes in their overall analysis of the trials they observed that month, which states that they had spoken to several unnamed individuals at the trials and '*Certains disent que des liens de solide amitié existent entre les accusés et certains des "inyangamugayo" (notamment dans le procès de l'accusé [Alice].*' [Several say that solid friendship links exist between accused individuals and some of the *inyangamugayo* (notably in the trial of the accused Alice).][449] It remains unknown whether the observer's suspicion of friendship ties between Alice and the judges was reflective of reality, since this evidence relies on the accuracy of stories told to the observer by unknown individuals. Nevertheless, this evidence suggests that Alice steered the *gacaca* discussions towards the alleged crime against Claudine in the knowledge that she could draw upon her social relations with the judges to enable this strategy.

In group trials, it was common for wider *gacaca* participants to play key roles in steering debates away from women's alleged crimes. In these trials, multiple accused

[447] Ibid., p. 17.
[448] Ibid., p. 21.
[449] Ibid., p. 5.

individuals were tried together for their involvement in the same genocide event, supposedly to examine fully the roles of each individual member of an attack or killing group.[450] However, this approach could create confusion, with multiple accused individuals and witnesses accusing and defending different individuals, contradicting each other as they did so. These trials were often less formulaic and linear in their approach to examining each individual's alleged culpability, and the conversations were often steered towards certain incidents and individuals, and away from others. In these environments, some individuals gave an initial defence testimony and then did not have this story questioned or disputed by witnesses and audience members who chose instead to focus on the alleged crimes of other accused individuals. Several women throughout the reports found that their crimes became hidden during group trials. As the following case shows, some accused men also found themselves in this situation, but it is notable how often it occurred for women when on trial alongside male co-accused. The reports might suggest that individual women were passive actors in this silencing. Yet, through the framework of silence as a form of agency, it should be considered that many women might have made conscious decisions to remain silent during these debates so as not to generate knowledge about their crimes, or to present to the court a particular version of a virtuous, 'non-genocidal', woman. They certainly did not challenge this avoidance of their crimes. This steering of conversations away from their crimes tended to be advantageous, since without witnesses and audience members contradicting their testimonies, little evidence was presented against them.

Emerita was sixty at the time of her trial in October 2005. She appeared in a court outside a sector office in Gisenyi alongside seven men.[451] Five of the men were accused of participating in attacks and killings several victims. Emerita and one man, Félicien, were accused of participating in the meeting where the killings were organised, and Emerita was also accused of proposing that the child victims be poisoned instead of buried alive.[452] Despite the severity of the charges against them, the individual responsibility of Emerita and Félicien went largely unexplored in debates that centred on the accusations about the first five men.

As usual, the accused individuals were all asked to give a defence testimony at the beginning of the trial. Emerita recounted her version of the planning meeting and said firstly that she was '*obligée d'y participer parce que les absences et retards étaient sanctionnés par*

[450] ASF, 'Observation des juridictions gacaca: province de Gikongoro: mai 2005', *Unpublished monthly review* (2005), p. 20.
[451] ASF, 'Observation des juridictions gacaca: province de Gisenyi: octobre 2005', *Unpublished monthly review* (2005), p. 24.
[452] Ibid., pp. 25-8.

le paiement d'une somme d'argent à titre d'amende' [obliged to participate because absences and lateness were punished with the payment of a sum of money by way of a fine]. Emerita then said that she told the meeting members that she wanted to look after the children but was threatened with violence against both herself and the children if she did so.[453]

Despite this clear presentation of her version of the planning meeting and her actions towards the child victims, the witness testimonies and audience interventions in this case related entirely to the five men's attacks, killings, and subsequent burials of the victims.[454] All seven of the group, including Emerita and Félicien, were eventually acquitted

> *au motif que [F] les a obligés à participer à l'attaque menée chez [L]. Concernant l'infraction d'assassinat des enfants de [L] pour laquelle ils étaient poursuivis, la juridiction constate que les intéressés ont simplement participé à la reunion*
> [on the grounds that F forced them to participate in the attack carried out at L's home. Concerning the crime of killing L's children for which they were charged, the jurisdiction notes that the parties only participated in the meeting].[455]

This reasoning for their acquittal included Emerita and Félicien within the judgement of the group's responsibility for attacking and killing the victims, crimes of which they were never accused. Although the bench noted in this acquittal that the accused had only participated in the planning meeting, this was actually the crime with which Emerita and Félicien had both been charged. The complexity and morality of their roles in the planning meeting were neither discussed in debates nor addressed in the judges' verdict. The silencing that occurred around Emerita's crimes occurred more as a result of the actions and testimonies of wider court participants than as the result of conversation steers by Emerita herself. Nevertheless, Emerita certainly did not act against the steering of the conversation away from her crimes. It was advantageous for her that the focus of the trial moved away from gathering evidence about, and considering publicly, her genocide responsibility.

For both Alice and Emerita, the *gacaca* discussion was steered away from crimes that, if explored fully, had the potential to lead to prison sentences. The evidence suggests that Alice employed this silencing more actively than Emerita, but Emerita should not be understood as a passive actor since she chose to remain silent during court discussions and not speak out against this ignoring of her genocide actions. Significantly, these women relied on the actions

[453] Ibid., p. 26.
[454] Ibid., pp. 28-31.
[455] Ibid., p. 31.

of, and perhaps their relations with, wider *gacaca* participants for this avoidance of their genocide crimes, suggesting that a strategy of individual silence alone was not sufficient. Their cases are reflective of strategies of avoidance within defence testimonies, and situations of crimes becoming lost in group trials, that were employed and experienced to varying extents by several women in the report set. These women were able to prevent the generation of certain forms of public knowledge about their actions during the genocide; the withholding of information about their genocide roles was a way of avoiding acknowledging publicly that they might have acted to commit genocide. In the absence of testimonies providing evidence for women's involvement in certain crimes, these forms of silencing, where they were enabled by other participants, often helped women achieve acquittals. In this way, *gacaca* courts were spaces where certain individuals were able to avoid speaking publicly in the generation of the state-authorised 'truth' narrative of the genocide.

Women deciding not to tell their stories of genocide

Silence could take more obvious – and riskier – forms in *gacaca*. A small minority of women decided not to give a defence testimony at all. This silence was unusual, since *gacaca* laws mandated individuals to testify to their full knowledge of genocide events, and judges ordinarily asked accused individuals to give their defence statement at the beginning of the trial.[456] The reports provide two clear examples of trials where women did not tell their story of genocide when in court. The first was a woman who was tried alongside her husband and, reflective of cultural gender norms, remained silent while he told his story of genocide events in this public setting. The second trial involved two nuns who used their knowledge of *gacaca* proceedings to insist that, rather than giving their own versions of events, their accusers should present evidence against them. These case studies show that silence through the refusal to give a defence testimony presented a way for these women to evade *gacaca*'s authority as a truth-telling and punitive mechanism.

In a case indicative of norms around wives' public behaviour, and of women using silence in *gacaca* to perform virtue, Marthe remained largely silent and did not give a defence testimony when on trial alongside her husband, Samuel. This strategy of silence was enabled by her husband, the judges, and wider court participants. Having originally been acquitted in a sector court, the married couple appeared before an appeals court in Gisenyi in October 2007,

[456] Clark, *Gacaca*, p. 77.

both accused of complicity in the killing of Xavier. This occasion was therefore the second time that Marthe and Samuel told their story of genocide during a *gacaca* trial, meaning they had experience of defending themselves. Their strategies were likely to have resulted from prepared and considered choices. Opening the trial, the president directed her questioning at Marthe's husband, asking him if he accepted the charge against him. Samuel replied '*Non, car je ne connais pas les circonstances de sa mort et je n'ai aucune responsabilité dans sa mort*' [No, because I do not know the circumstances of his death and I do not have any responsibility for his death]. Samuel went on to say that he returned from work one evening and passed those who were moving Xavier's body, and so knew that Xavier had died, but he maintained that he did not know how.[457] The president questioned Samuel more about what he knew, and Samuel provided names of those he suspected to have been involved. The president put no questions to Samuel about the alleged involvement of his wife, and Samuel's testimony did not mention her at all. Samuel's story of genocide, framed by the president's questions, removed Marthe completely from the events he described. Marthe was certainly accused of participating in the killing of Xavier. As well as Marthe being listed in the charges, the victim's son spoke after Samuel's testimony and explicitly accused both defendants. He said that the witness testimonies would '*spécifient le rôle des accusés dans le meurtre*' [specify the role of the accused individuals in the murder].[458] He added that the victim's body had been buried near where the accused individuals lived, and that a bloodstained basin had been discovered in their house.[459] Yet, unusually, Marthe did not give a defence testimony, and there is no evidence in the report of her being asked to do so. As two co-accused individuals, the married couple presented a story of events that denied Samuel's responsibility, while withholding information about Marthe's actions and allowing her voice to remain unheard.

Yet, Marthe's actions did not go completely ignored by *gacaca* participants and as a result she did not remain entirely silent. Witnesses and audience members did speak about her alleged complicity, although largely in a way that placed her actions as secondary to those of her husband. One audience member, the younger brother of the victim, spoke to say that Samuel was the person responsible for the victim's death and that his wife knew something due to the bloodstained basin discovered in their house. Following this statement, which implied that Marthe's genocide crime was one of knowledge of her husband's actions due to an

[457] ASF, 'Observations des juridictions gacaca: ex-province de Gisenyi: actuelle province de l'ouest: octobre 2007', *Unpublished monthly review* (2007), p. 6.
[458] Ibid., p. 7.
[459] Ibid., p. 8.

incriminating object being present in their domestic space, another audience member spoke to Marthe directly. They asked her why she did not hear noise when the killers buried Xavier, especially as the burial plot was so close to her house. Again, the implication was that Marthe's genocide role had been confined to the domestic sphere. Significantly, it was only in these final stages of the trial that a question was first directed at Marthe and that she spoke for the first time. Marthe responded to this question by saying that there was a large distance of at least two fields between her house and the burial plot, and that it would have been impossible to have heard the noise. Following Marthe's response, the president asked if any party had anything to add. This time, Marthe did choose to speak of her own volition. She said that one of the witnesses who implicated her had done so out of revenge:

> *[Il] est mon beau père. Après la mort de mon mari qui était son fils, il a tout essayé pour me chasser du patrimoine familial. Tout le monde ici le sait, le cas a été tranché par les tribunaux.*
> [He is my father-in-law. After the death of my [first] husband who was his son, he tried everything to drive me off the family property. Everybody here knows it, the case was settled by the courts.][460]

Marthe broke her silence to present the accusations against her as stemming from one of the many situations of male in-laws attempting to reclaim land from widows, choosing to speak against her father-in-law after his evidence threatened to contribute to her conviction.

Although Marthe did not remain entirely silent throughout her trial, her defence strategy was centred around an attempt to avoid talking about her actions in relation to the murder of Xavier. This strategy was successful, as the bench found both her and Samuel not guilty.[461] Marthe had previous experience in both the sector *gacaca* court and in courts when settling the land dispute with her father-in-law, and she likely drew upon this court knowledge when deciding how to defend herself here. This silence from Marthe took place in a context where court members would have held the expectation that a virtuous Rwandan wife would remain silent and allow her husband to speak on her behalf in public settings. Marthe's strategy of silence was powerful and successful in large part due to the support and acceptance of this strategy by other court participants. She was able to use her relationship with Samuel in this strategy, while simultaneously being dependent on his willingness to give a story of genocide events that not only did not implicate her, but also omitted any mention of her presence or agency. Marthe's silence around her individual agency was also enabled by participants'

[460] Ibid., p. 10.
[461] Ibid., p. 11.

prevailing view of her as Samuel's wife – which was how they often referred to her if they spoke of her at all – rather than as an accused individual in her own right. Most witness questions and statements were about the involvement of Samuel, while Marthe's actions were presented as secondary to his. The president also enabled her strategy by not compelling her to present a defence testimony. Marthe broke her silence after being directly challenged, but only to confirm that she had remained within the domestic space during the genocide and to present herself as a victim of her father-in-law. Marthe's silence was not only about controlling public information about her involvement in genocide events, but it also allowed her to perform a certain kind of moral public person – a virtuous wife – throughout the trial. In return, Marthe was not interrogated about her version of events, and public knowledge about her genocide involvement was not generated in this court. Marthe's case therefore speaks to the nature of *gacaca* as a public setting where certain people were expected to testify fully and contribute to the public discourse of genocide events, and where other individuals were able to avoid doing so.

As well as Marthe, the report set provides evidence of two Catholic nuns, Sisters Elisabeth and Monique, who chose not to present a defence testimony when on trial together in *gacaca*. Instead, these women drew upon knowledge of *gacaca*'s legal process to insist that their accusers should be the ones to present their stories of what allegedly occurred, and that they, as the accused, would respond to each accuser's evidence as it was given. Elisabeth and Monique did not stay silent in the same way as Marthe. They did not hide behind a man's voice and play the roles of virtuous silent women; instead, they were loud and insistent that they would keep their silence about their genocide involvement until prompted by specific testimonies. This explicit and vocal silence was a bold strategy, as it highlighted to the court their resistance to its truth-revealing aim and legal authority. These women's ability to use this strategy of silence should also be considered in the context of their social and religious status.

Having both been held in preventative detention since 1994, Sisters Elisabeth and Monique were tried together in front of around 120 people in Kigali-Ngali in June 2007.[462] The charges against the women were: revealing to soldiers that a victim, Cassien, was a Tutsi, causing him to be beaten; ordering their employee to beat Cassien; chasing away two women who were taking refuge in the convent, an action leading to the death of one of the women; and collaborating with soldiers who were searching the region for Tutsis by telling them which

[462] ASF, 'Observations des juridictions gacaca: province du Sud (ex-province de Gitarama) et province du Nord (ex-province de Kigali-Ngali): juin 2007', *Unpublished monthly review* (2007), p. 13.

families were Tutsi.[463] After the charges were read out, Elisabeth was the first accused to speak. She said that she was pleading not guilty, and that she wanted those who were accusing her to be invited to provide evidence so that she could respond to it. Then Monique declared that she too was pleading not guilty and that those who were accusing her also had to provide evidence.[464] Neither provided a story of their genocide involvement in these defence testimonies, openly avoiding the requirement to testify to the full extent of their actions and opening themselves up to the potential of being charged with refusal to testify. In an environment where telling a narrative of genocide events could incur dangerous consequences for the speaker, these two women chose the danger of not telling a story over the danger of telling one. As with Marthe, this silence was enabled by the judges, who did not question the two women further at this stage. With the judges' approval, Elisabeth and Monique made clear that they intended to keep a silence about their version of genocide events.

The president then invited Cassien, as victim party, to testify. He said that he saw the two sisters talking with soldiers who had set up camp in the area around the convent. He said that the sisters called him over and told the soldiers he was a Tutsi, after which the soldiers started to beat him. The sisters then allegedly ordered one of the convent's workers to come over and kill Cassien. Cassien said that the worker then knocked him unconscious. Two more witnesses testified, one of whom said she was hiding in the convent with another woman before the sisters chased them out, and that having been chased out of hiding, the other women were killed by people who worked for the sisters.[465] The sisters were then given the opportunity to react to these accusatory stories. Elisabeth said that the events Cassien spoke of never took place, and that he should specify the month and date they were committed. Monique similarly said that Cassien should specify whether he was the victim of these attacks during the month of April or afterwards. The president was swayed by these arguments, asking Cassien when the attack took place, but in response Cassien was unable to recall precisely when it had occurred. Rather than telling their own versions of events in response to these accusations, as they had said they planned to, the two women drew upon the legal burden of proof in *gacaca* to argue that it was up to Cassien, as their accuser, to present convincing evidence against them.

However, like Marthe, the sisters were unable to stay completely silent about their versions of events. At this point in proceedings, the president questioned Elisabeth about where she was during the genocide and whether she saw Cassien. Elisabeth replied that she did not

[463] Ibid., pp. 13-14.
[464] Ibid., p. 14.
[465] Ibid., pp. 14-15.

see Cassien, that she was at the convent but left between 13 April and 3 June, and that nobody was killed at the convent. Elisabeth kept her replies short, speaking mostly to deny any involvement either with the soldiers or with Tutsis who were hiding at the convent.[466] She avoided giving a narrative about her actions in relation to the specific allegations against her. Instead, her responses gave only a broad story of her whereabouts during the genocide, continuing her insistence that it was up to those accusing her to provide detail of her actions.

Following interventions from audience members, Elisabeth spoke again to say that she wanted clarity, from those accusing her, on the charge of directing soldiers towards Tutsi families. Several audience members then said that it was the soldiers themselves who said that the nuns sent them, but no soldiers spoke in *gacaca* to confirm or provide detail about this accusation. With this intervention, Elisabeth's strategy of silence differed significantly from that of other women in *gacaca*. The debate had been steered away from the allegation of directing soldiers towards Tutsi families, a silencing that other women found worked to their advantage. However, rather than allowing this crime to be lost, Elisabeth took the riskier decision to highlight explicitly to the judges that no evidence had thus far been presented about this accusation. Although she claimed that she wanted those who were accusing her to specify this crime's details, her strategy suggests that she aimed to underline, and use, the soldiers' silence in relation to her challenge to have this accusation dismissed.[467]

Following this exchange, Monique spoke to say that she never collaborated with soldiers, and that

> *La personne qui nous accuse dit qu'il ne se rappelle ni de la date ni du mois au cours de laquelle elle a été victime de nos actes. Ceci n'est pas normal. … Je voudrais que [Cassien] explique encore une fois comment les choses se sont passées*
>
> [The person who is accusing us says that he cannot remember either the date or the month during which they were the victim of our actions. That is not normal. … I want Cassien to explain once more how these events took place].

Monique once more highlighted her innocence, and asked for the conversation to be moved away from her own and Elisabeth's testimonies and towards what she saw as the lack of evidence in Cassien's testimony. The judges granted this request, asking Cassien to repeat his testimony, which he did, and Monique responded afterwards that the victim should describe in

[466] Ibid., p. 15.
[467] Ibid., p. 16.

much more detail precisely where these acts were committed.[468] In this exchange, Monique continued the sisters' strategy of insisting that their accusers must provide detailed evidence against them. Like Elisabeth, she used this accuser's silence about these details to argue that, according to what was 'normal' in *gacaca*, there was insufficient evidence against them for a conviction.

The two women were not silent in their trial in the sense that they did not speak. Rather, they were vocal throughout in their insistence that they would remain silent regarding their version of events, unless and until specific evidence was provided against them by other testifiers. In doing so, they refused to give a narrative relating to the crimes with which they were charged. Their loud insistence on using silence did not present a gendered ideal of female virtue. Instead, such a strategy drew upon the knowledge that in *gacaca*, evidence of genocide events was generated through the public telling of stories, and that in the absence of sufficient evidence an accused individual should be acquitted. The women knew, therefore, that their own storytelling could be used to generate evidence against them. Their strategy also showed a significant degree of power within the court. They were able to insist, for example, that the president question Cassien multiple times about his version of events. This trial strategy was successful, and both were found not guilty.[469] Yet, this strategy was dangerous. In a court where crimes that were not discussed were often ones of which individuals were acquitted, it was risky to draw the court's attention to crimes that had been ignored, as it provided an opportunity for participants to present evidence about them. Furthermore, in a court that legally compelled individuals to speak to their full knowledge of genocide events, it was a risk for the accused to state so explicitly and repeatedly that they would not do so. The women relied upon the judges neither compelling them to speak further, nor sanctioning them for withholding information.

Elisabeth and Monique's bold strategy and power within this court should be considered in the context of the status they held in their community. They were not 'ordinary' Hutu women; they held positions of religious authority. Their alleged crimes were suggestive of a certain knowledge about and authority over others: they supposedly ordered soldiers and an employee to attack those they knew to be Tutsi, and they allegedly told other soldiers where to find Tutsi families. Their strategy of silence in *gacaca* was also intimately linked to knowledge about and authority over others: as well as withholding their own testimony, they aimed to predict and control other participants' speech so that a story of their genocide

[468] Ibid., p. 17.
[469] Ibid., p. 23.

involvement was not generated in this court. Such knowledge and strategy were inherently related to their social status and religious authority. In a rare case of the reports detailing who was in the audience – and a reminder that much went on in court that was often not recorded – the observer wrote that the audience included a group of around seven priests and fifty nuns that called themselves '*un groupe de soutien*' [a support group]. This group showed loud disapproval each time somebody made an accusation against one of the sisters.[470] The women's bold and assertive silence in *gacaca* drew not just upon their knowledge of the legal system, but it also upon their social power and status.

Legal consequences of silence

Silence, in its multiple forms, was for some women a powerful form of agency and an act of evasion, as well as a behaviour that laid claim to virtue in a context of gendered expectations around women's silence in public settings. These strategies of silence were most effective when employed alongside other factors; most notably, where women had relationships with, or power over, other court participants who could support this silencing of their genocide involvement. However, strategies of silence in *gacaca* were, by the very way they evaded the courts' desire for and reliance upon testimonies, dangerous. In the absence of support for women's silence from other court actors, and over time as expectations around women's silence in this court setting changed, women found that employing silence as a strategy could lead to significant consequences. Evidence from later reports suggests that women were not always able to control information through their silence, and that silence as a public behaviour in these contexts became less associated with virtue. This evidence suggests that the *gacaca* process changed norms around women's speech and silence in these public court settings. In turn, the nature of *gacaca* as a space in which public testimony was expected from certain actors but not others also changed.

Four women across the evidence set chose to remain absent from court on the date of their trial. In two of these instances, the reports do not give an indication as to why they were absent.[471] In one case, the woman had notified the court that she was ill, but she had been summonsed three times previously without appearing and so the judges decided to go ahead

[470] Ibid., p. 3.
[471] ASF, 'Observation des juridictions gacaca: ex province de Kibungo: actuelle province de l'Est: novembre 2007', *Unpublished monthly review* (2007), pp. 8, 13-15; 'Observation des juridictions gacaca: ancienne province de Butare: actuelle province du Sud: novembre 2008', *Unpublished monthly review* (2008), pp. 50-4.

with her trial.[472] Regarding the fourth woman, the president noted that she had been summonsed three times and had not given a reason for not appearing. The individual who delivered the woman's summons on this occasion spoke to say that she told him '*qu'elle ne comparaîtrait pas parce qu'elle n'a rien fait à [ce secteur]*' [that she would not appear because she has not done anything in this sector].[473] Assumptions cannot be made about the motivations for the first two women's absences. Yet, for the two who repeatedly ignored their summonses to appear before the court – especially the woman who explicitly stated that she was ignoring the court's summons because she did not commit acts under its geographical jurisdiction – their absences constituted direct challenges to *gacaca*'s authority to try them for genocide crimes.

Legally, this strategy of silence through absence did not work. All four women were found guilty and convicted to prison sentences in their absence.[474] In particular, one of the women who was absent for an unknown reason had originally been acquitted at sector level, when she had been present to defend herself, but was convicted in her absence in the appeals court. Meanwhile, her co-accused, a man who had initially been sentenced to life imprisonment, appeared in the appeals court and was acquitted. Significantly, he testified both to the accused woman's guilt and to her ability to bribe the judges at sector level to achieve an acquittal there.[475] The woman, of course, was not present to refute either of her co-accused's accusations. With the lack of a defence testimony or ability to refute allegations that emerged during the trial, as well as potentially the negative perceptions towards an accused person who refused to appear and resisted *gacaca*'s authority in this way, these women found that absence from court corresponded with the outcome of a guilty verdict. Silence in perhaps its purest and most singular form – a complete refusal to speak at all or even be present in court – was not a powerful strategy. The legal result of their trials does not necessarily tell the full story of the outcome of their strategy of absence. These women had thus far resisted the benches' summonses, and it remains unknown from the report evidence whether they were found and taken to serve their prison sentences, or whether their absence from *gacaca* at the time of their sentencing allowed them to continue living in their communities as they had done since the genocide. Within *gacaca*, however, such a strategy was unsuccessful.

[472] ASF, 'Observation des juridictions gacaca: province de l'Est: ex province de Kibungo: octobre 2007', *Unpublished monthly review* (2007), p. 24.
[473] ASF, 'Kibungo: novembre 2007', p. 6.
[474] ASF, 'Kibungo: novembre 2007', pp. 15, 25; 'Butare: novembre 2008', p. 54; 'Kibungo: octobre 2007', p. 25.
[475] ASF, 'Butare: novembre 2008', pp. 53-4.

Accusations of withholding information

As well as those who were convicted after remaining absent from court, the report set provides evidence of judges compelling women to elaborate further on their testimonies in later years of *gacaca*. This evidence suggests that, over time, as *gacaca* participants gained a set of knowledge and expectations that women should testify in these public court spaces, the ability to use silence as a successful defence strategy waned for women. Without the support of other court actors in their attempts to use silence, women found that it was not a powerful strategy to employ. Furthermore, where women were expected to testify fully, silence lost its function as a public behaviour that laid claim to virtue. Two case studies from 2008 and 2009 provide evidence of women not just being asked to talk further and reveal more knowledge about their genocide actions, but of being sanctioned for allegedly not testifying fully. This finding indicates that *gacaca* as a process changed norms around women's expected speech and silence in these public court spaces, and that silence was only a powerful strategy where other court actors expected and enabled this behaviour.

At the time of the genocide, Chantal was a treasurer of the extremist Hutu political party *Coalition pour la Défense de la République* (*CDR*). She appeared before an appeals court in Gisenyi in December 2009, having submitted an appeal on the grounds that the sector court had not followed the law in sentencing her to life imprisonment; that it had not taken into account her defence; that the judgement had not been explained; and that the court had found her guilty without incriminating evidence. Her file detailed, rather vaguely, that she was accused of genocide, killing, and collaboration with an offender. When invited to present her defence, Chantal said '*Je plaide coupable et je demande pardon pour toutes les infractions que j'ai commises.*' [I plead guilty and I ask forgiveness for all the offences that I have committed.][476] Despite having submitted an appeal, Chantal chose to present her testimony as a confession and guilty plea. She likely aimed to take advantage of the sentence-reduction procedure, since the term of life imprisonment was one of the aspects of the previous judgement that she was contesting. With this opening statement, Chantal was indicating to the court that her testimony would amount to a full disclosure of the crimes she had committed, as a complete confession was required for a sentence reduction. Chantal then gave her story of genocide involvement. She detailed taking part in killings at a roadblock, and she said that she was

[476] ASF, 'Observation des juridictions gacaca: province de l'Ouest: ex-province de Gisenyi: novembre et décembre/2009', *Unpublished monthly review* (2009), p. 32.

involved in holding two meetings of the *CDR* party, during the second of which an individual spoke to stir up hatred against Tutsis. She also said that her husband sent her to find a gun. Finally, Chantal declared that she '*reconnais également n'avoir pas assisté deux femmes*' [also recognises not having helped two women]. She said that she was drinking with the women in a bar, when they heard a noise and saw that it was the *Interahamwe*. Chantal said that she left the women at the bar and learned later that one had been killed.[477] In this way, Chantal claimed that she had confessed fully to her genocide crimes.

However, other *gacaca* participants questioned whether this testimony constituted a full confession, and these accusations led to Chantal changing her story. One victim party claimed that Chantal took part in other genocide acts, including persecuting the Tutsi women with whom she claimed to have been drinking. He also claimed that Chantal sent the *Interahamwe* who killed one of these women.[478] Following the new allegations in this testimony, the president asked Chantal to speak once more. She now said that one of the attackers asked her to reveal the identity of the people with whom she was drinking, and that she responded with the information that some were Tutsi. In response to this new statement, the president urged Chantal to tell the truth. Chantal then admitted to revealing the hiding place of the victims. After this further change in story, the president reminded Chantal that it was in her interest to present a sincere confession in order to benefit from the reduction in sentence, and asked her once more to tell the truth. Chantal replied that this time she would present a truthful confession. She declared that at the bar, '*Quand les assaillants sont arrivés, je suis sortie et j'ai indiqué à un Interahamwe que les victimes se trouvaient au cabaret.*' [When the attackers arrived, I left and I indicated to a member of the *Interahamwe* that the victims were located in the bar.][479] Chantal's strategy of staying silent about certain actions was unsuccessful due to other participants' knowledge and public insistence that she had not confessed fully. Her own changes in story further indicated to these participants that she had aimed to hide the full extent of her involvement in her 'confession'.

Despite Chantal revealing more information under this pressure, participants continued to insinuate that Chantal was still hiding the full extent of her genocide involvement. One audience member spoke to ask Chantal who it was that undressed the woman from the bar's body after her death. Chantal initially responded that she did not know but, after further questioning from audience members, she said that she went to see the victim and looked at her

[477] ASF, 'Gisenyi: novembre et décembre/2009', pp. 32-3.
[478] Ibid., pp. 33-4.
[479] Ibid., p. 34.

body to confirm that she really was dead. In response to this new revelation, the president asked '*En tant qu'une personne qui veut présenter les aveux, peux-tu nous dire la verité?*' [As a person who wants to present a confession, can you tell us the truth?][480] Through another demand for Chantal to be truthful, he expressed frustration at her concealment of events and implied that he still did not believe she had revealed the full story of her genocide involvement. After this pressure from the judge, Chantal declared that she would '*tout raconter*' [give an account of everything]. In this statement, she once more admitted that she had been concealing information throughout the trial. At this point, Chantal presented a narrative that she was part of the group that took the victim to where she was killed. Chantal said that after the victim was killed, she was the one to undress the victim. She then added that she asked forgiveness from the bench and explained that her evasion was because the crime was immodest.[481] However, despite presenting an alleged complete story of her actions and an apology for not telling it sooner, the judges remained unsatisfied. They gave the judgement that '*La juridiction a rejeté les aveux de l'appelante parce qu'ils sont incomplets*' [The jurisdiction has rejected the appellant's confession because it is incomplete]. The bench placed her in category one, the category that included those who were genocide leaders and that reflected her leadership role in the *CDR*. It sentenced her to thirty years' imprisonment.[482] This sentence was lower than the life in prison that she had originally been given but, crucially, it did not include a reduction for confession.

Chantal withheld information throughout her trial. She gave a reason for doing so: that it was an indecent crime about which she did not want to talk publicly. Whether or not this was the reason – and it is important to consider that the 'immodest' part she excused was not the only aspect of her alleged genocide actions that she omitted to mention – the judges did not find this excuse credible. Their judgement made clear that they expected Chantal to have talked fully about this act and all her other actions from the start of the trial, especially as she was claiming that her story amounted to a confession rather than a defence. Her attempt to steer her confession towards just those crimes she wanted to reveal, and use the guise of a guilty plea to avoid talking about her more serious involvement in the killing and the vulgar crimes she committed afterwards, was not successful as it was not permitted by other participants in this court. The victim party, audience members, and judges all confronted her repeatedly for concealing information, and insisted throughout that she should speak about her full

[480] Ibid., p. 35.
[481] Ibid., pp. 35-6.
[482] Ibid., pp. 59-60.

involvement in these attacks. Whereas the other women discussed so far steered their discussions away from certain crimes successfully with the help of other court participants, Chantal was sanctioned for this attempt at silencing her crimes. The judges deemed that she had not presented a full and sincere admission of guilt and so did not apply the according sentence reduction. This verdict also made a moral claim about her public silence: that it was not a behaviour indicative of virtue, but rather it was one that concealed genocide actions.

A second woman, Diane, was originally sentenced in a sector court to fifteen years' imprisonment but then had this conviction overturned by an appeals court in Gitarama. The original accusation is not detailed in the report, but later court discussions imply that it was for charges concerning the observed case's victim. In May 2008, Diane appeared in this same appeals court once more. The victim's family had submitted an appeal on the basis that those who killed the victim, Fidèle, never revealed where they hid the body so that he might be buried with dignity. Diane now stood accused of omitting to explain the circumstances of the victim's death and refusing to reveal his burial place.[483] In their notes, the observer pointed out that these charges were not genocide crimes according to *gacaca* law. Legally, if the judges deemed that Diane had refused to provide information in the capacity as a witness, she should have been judged for the crime of refusal to testify.[484] Diane's charges show the ability of local actors within this court to determine what they believed constituted a genocide act. The victim's family submitted an appeal for these reasons, and the judges agreed that they were legitimate grounds to try Diane, even if the charges were not state-decreed genocide crimes in these forms. This appeals court decided it would try Diane for the genocide act of staying silent about the victim's death and burial spot in the time since the genocide, including during her previous two trials.

Diane gave her defence testimony, recounting her version of her actions during the genocide in relation to the victim. She said that she was Fidèle's neighbour, and that she fled the area during the genocide while Fidèle remained at his home. She said that on her return, she learned of Fidèle's death from his daughter.[485] Under questioning from members of the bench, she claimed '*Je ne connais pas les circonstances de la mort de [Fidèle], j'ai livré toutes les informations que je détiens*' [I do not know the circumstances of Fidèle's death, I have given all the information that I have].[486] In this testimony, Diane presented an alibi of absence

[483] ASF, 'Observation des juridictions gacaca: ex-province de Gitarama et Ville de Kigali: mai 2008', *Unpublished monthly review* (2008), p. 5.
[484] Ibid., p. 3.
[485] Ibid., pp. 5-6.
[486] Ibid., p. 6.

at the time of Fidèle's death, claiming no involvement in the killing and, crucially given the charges against her, no knowledge of how he died. She insisted that she was not withholding any information about these events.

However, other parties in the case were not convinced by Diane's story, and repeatedly pressured her to elaborate further on her testimony and reveal her alleged knowledge of Fidèle's burial place. After two victim parties testified to Diane's knowledge of the burial site, the president spoke to say '*[Diane], personne ne t'accuse d'avoir tué [Fidèle] mais tu connais les circonstances et les auteurs de ce crime'* [Diane, nobody is accusing you of having killed Fidèle but you know the circumstances and the perpetrators of this crime].[487] Here, the president directly accused Diane, making clear that he believed her to be hiding this information and reminding her that this was the charge against which she had to defend herself. Such a revelation of a judge's attitude towards the accused individual's guilt during the trial was unusual but not unique; from its monitoring observations, Human Rights Watch (2011) points to cases where judges declared accused individuals to be guilty from the start and asked them to prove their innocence.[488] Further victim parties spoke after this declaration, including Fidèle's grandson. He said to Diane that

> *je suis convaincu que vous connaissez aussi les circonstances de sa mort. Dites-nous qu'il aurait peut-être été tué par la faim ou la vieillesse et que vous l'avez enterré mais que vous vous êtes abstenus de le dire pour que vous ne soyez pas poursuivis, mais dites quelque chose*
> [I am convinced that you also know the circumstances of his death. Tell us that he could have perhaps been killed by hunger or old age and that you buried him but that you refrained from talking about it so that you would not be prosecuted, but say something].

As well as this plea giving a sense of the grief and desperation that the grandson continued to feel about his grandfather's death and the family's inability to recover his body, the grandson's statement both reaffirmed his belief that Diane was withholding this information and appeared to give her a solution to revealing this information without incriminating herself. He was one of several testifiers who openly accused Diane of continuing to withhold information.

Yet, Diane remained in a difficult situation strategically, and this difficulty became particularly apparent in these moments of confrontation with the president and the victim's grandson. If Diane did indeed know the information, she had two choices. Either she revealed

[487] Ibid., p. 7.
[488] Human Rights Watch, *Justice compromised*, pp. 33-4.

the information and admitted that she had been concealing it, thereby confessing to the crime, or she continued to deny this knowledge and her guilt in a court whose participants – most importantly the president of the judges – had already formed a view that by not revealing this information in this public court space, her present-day self was continuing to commit this genocide crime of silence. Diane responded to both these moments of confrontation by saying that if she knew the information, she would have provided it.[489]

This strategy did not work. Diane was found guilty and sentenced to fifteen years' imprisonment for '*avoir refusé d'expliquer les circonstances de la mort de la victime [Fidèle] et de montrer l'endroit où se trouve son corps'* [having refused to explain the circumstances of the death of the victim Fidèle and to reveal the place where his body is located]. It remains unknown whether Diane was concealing this information or whether she genuinely did not know. Regardless, the judges and victim parties believed that she was hiding this information and refusing to speak about it. The judges did not allow Diane to succeed in, or go unpunished for, what they deemed to be her silence around this knowledge. Instead, they compelled her repeatedly to reveal this information and gave her a lengthy custodial sentence for not doing so. For the judges, Diane's genocide act occurred in her refusal to disclose this information after the genocide, including and especially in her continued public silence during this trial. It was as much her present-day self they were judging to be committing a genocide crime as her past self. Demonstrating how severe the court deemed Diane's crime to be, individuals who refused to testify or provided false testimony at *gacaca* were legally subject to a prison sentence of three to six months, while Diane was sentenced to imprisonment for fifteen years.[490] Throughout this trial, both in the spoken words of court actors and in the charges of which she was convicted, *gacaca* participants expected and argued that Diane should speak publicly in *gacaca* and reveal her full knowledge of these genocide events. Far from an expression of virtue, they judged Diane's silence in this court environment, and her refusal to contribute to the public generation of genocide knowledge, to be 'genocidal'.

Conclusion: the power and evolution of silence in *gacaca*

For women in Rwanda, their expected silence in public spaces has been, at least from the perspective of 'western' scholarship, a form of oppression and a limitation on their agency. At

[489] ASF, 'Gitarama et Ville de Kigali: mai 2008', p. 7.
[490] Ibid., p. 10; Clark, *Gacaca*, p. 77.

the time of *gacaca*, there was still a prevailing cultural expectation that ordinary women would remain silent in public settings. However, in light of an emerging literature on silence as a form of agency for vulnerable groups – including for individuals in post-genocide Rwanda – it becomes apparent that silence in *gacaca* could be a powerful strategy for those women who chose to use it. In a public court system where incriminating evidence and knowledge about genocide actions were generated through testimony, the ability to withhold and control spoken evidence was advantageous. Although *gacaca* was a public setting in which all individuals were supposedly compelled to testify to their full knowledge of genocide events, many women found that this expectation did not apply to them. Some women aimed to steer discussions away from certain crimes or allowed the discussions to be steered away from their actions and towards those of their male co-accused during group trials. A small number of women decided not to tell their stories of genocide in defence testimonies. Not talking about particular events was a way of avoiding acknowledging publicly that they occurred and, in the absence of evidence against them, these women were often acquitted of these crimes. Furthermore, accused women's silences took place in a culture where public silence was linked to ideas of female virtue. The findings of this chapter suggest that accused women in *gacaca* could also use silence, and the gendered norms around it, as a public court behaviour that allowed the portrayal of a present-day, 'non-genocidal', virtuous female self.

Silence as a strategy was most effective when implemented in conjunction with other factors. The reports show how some women used their social power to implement this strategy of silence; most prominently, the two nuns who drew upon their social and religious standing to influence the court's generation and understanding of evidence. Silence often succeeded with the permission, facilitation, or lack of opposition of other court participants. In cases where women used silence successfully, those with the power to speak and question women in court – be they judges or those testifying as victim parties, witnesses, and audience members – decided not to ask women to reveal their full genocide knowledge. Most evidently, Marthe's ability to stay silent while her husband testified relied on both her ability to use her relationship with him and on his willingness to omit her from his story of genocide. Where other court participants facilitated or allowed women's silence, it was a powerful strategy that helped some women to withhold genocide information and to lay claim to morality.

However, the report evidence shows that silence was also a dangerous strategy and suggests that its effectiveness changed over time. Where women refused to attend court and in the two later case studies detailed, this silence was judged to be representative of the opposite of virtue. Participants in these cases had gained a set of expectations that, rather than remaining

silent, women should talk publicly to their full genocide knowledge and involvement when accused in *gacaca*. Important factors that had helped women to use silence as a strategy – the support and facilitation of other court participants – had diminished with this change in expectations. In courts where women were expected to testify fully, silence around genocide events was no longer a behaviour that court participants judged as representing a woman's virtue. In the trials of Diane and Chantal in 2008 and 2009, other participants challenged their alleged withholding of information and repeatedly compelled them to speak. These women's public silence was judged to be the opposite of virtuous, and for participants in Diane's trial, her silence was deemed to be the immoral genocide act itself. This chapter is not seeking to claim that women only succeeded at using silence in *gacaca*'s early years, or that women stopped being able to use silence in later years, but that among these ninety-one women, there was a pattern of silence as a successful strategy in early years, with prominent cases of silence not working in later years.

This changing pattern suggests that norms around women's public silence and speech in these settings changed over the course of the *gacaca* process, as participants gained a set of expectations that women should talk publicly, and fully, in these new public spaces. Given the evidence presented earlier the chapter regarding continued norms around women's speech in other public spaces during and after the period of *gacaca*'s implementation, care should be taken before making causal claims about any wider implications of women speaking in this novel public space. Without further research into women's public speech in other post-genocide settings in relation to women's *gacaca* participation – which is unfortunately beyond the scope of this thesis – it is unknown whether ordinary women speaking in *gacaca* and the changing expectations around such speech impacted women's public speech more widely, or whether such changes were confined either to legal settings or even to *gacaca* itself. Regardless, the significance of *gacaca*'s impact on women's public speech remains. In an environment that consistently compelled members of communities, including women, to testify and tell their stories of genocide every week for several years, the process led to women across Rwanda regularly speaking publicly in front of their communities. *Gacaca* followed on from a long history of institutions in Rwanda that had enabled certain women's agency and speech in public roles and spaces. Yet, *gacaca* did so for poor, rural, and largely Hutu women – not just urban, socio-economically privileged, and mostly Tutsi women, as had predominantly been the case for previous institutions. Over the course of *gacaca*'s implementation, as it became increasingly normalised for ordinary women to testify in these spaces, the strategy of silence became increasingly difficult for accused women to employ. The *gacaca* process thereby

changed norms and expectations around women's agency and testimony in these public spaces. In turn, these evolving norms and expectations changed the nature of *gacaca* as a public space, from one in which women could remain silent to one in which women were expected to contribute to the public generation of state-authorised genocide knowledge.

Chapter 5. Gaining and using court knowledge

As well as *gacaca* forming part of a longer story about Rwandan women's public speech, this chapter will explore how *gacaca* provided women with an opportunity to gain knowledge and experience in a public court setting in Rwanda. *Gacaca* formed part of a longer, largely post-genocide, story of women acting in Rwandan court systems, but it was a significant process in terms of the scale, nature, and impact of this involvement. As has been discussed, although some women had used Rwanda's other legal and dispute resolution processes, gendered barriers including widespread ignorance of the law had hindered the ability of most women to take their disputes to these mechanisms. The small number of women who had been able to enter these spaces also found that gendered norms presented obstacles to achieving successful outcomes, especially in cases where women spoke against their male relatives. In comparison, *gacaca* compelled ordinary women across Rwanda, including the 96,653 put on trial, to testify in court spaces every week for several years.[491] For most of these women, *gacaca* was likely to have been the first time they acted and spoke in a court setting, and they gained and used court knowledge as they did so.

Beyond simply Rwanda, *gacaca* forms part of a wider story of state-run court systems since colonial rule both providing women in African countries with opportunities to acquire and use legal knowledge, and compelling them to do so. Judicial systems created and adapted by colonial authorities granted women opportunities to take their disputes to legal systems, and these women gained, used, and profited from knowledge of these processes as they did so. For example, women in Gusiiland, Kenya, argued in colonial courts that they had the right to elope and end their marriages, using the knowledge that only men could legally be charged with adultery and elopement to testify safely about their own agency in these acts.[492] Widows in Kenya also used colonial courts to sue for the return of their daughters who had deserted their husbands for other men, as well as to take their daughters' abusive husbands to court.[493] Women in Swaziland used their knowledge that colonial courts offered a charge of assault to take their cases of forced marriages that involved violence to these courts rather than to native courts.[494] Women used the colonial codification of 'customary' law and the contradictions between different internal laws in their decisions to seek divorce in colonial courts in Nigeria

[491] Brown, *Gender and Genocide*, p. 93.
[492] Shadle, 'Bridewealth', pp. 252-6.
[493] Mutongi, '"Worries"', pp. 77-80.
[494] Alan R. Booth, '"European courts protect women and witches": colonial law courts as redistributors of power in Swaziland 1920-1950', *Journal of Southern African Studies*, 18:2 (1992), pp. 260-1.

and the French Soudan.[495] Women in Zimbabwe used similar knowledge of the benefits of colonial laws to secure their land rights and challenge their male relatives in colonial courts.[496] In these cases, women's knowledge of colonial courts allowed them to argue for, and achieve, material benefits in their marital, social, and economic lives. Furthermore, there are examples of Zimbabwean women who were accused of murdering their husbands using their knowledge of the legal merits of their case, as well as of what court behaviours would help them to exploit judges' assumptions of female dependence, to defend themselves in colonial courts.[497] The actions of these women suggest that the idea of women's 'empowerment' through knowledge of legal systems coexists in tension with women's individual aims of using such knowledge to escape punishment for violent crimes. Under colonial rule, some women were able to take advantage of changes to legal systems to bring their cases to these public settings and argue their rights and defences within them. In turn, this acquisition and use of court knowledge was powerful in granting some of these women social and economic benefits outside the courtroom. Caution should be taken, however, before asserting that women learning to navigate court systems is always a positive and 'empowering' act.

Significantly, this knowledge of and access to legal systems as a result of changes in the colonial period was often limited to a small number of women. There was a continued lack of legal knowledge and ability to access dispute resolution mechanisms among many women in independent African countries. Postcolonial legal systems that contained internal conflicts of law – often a legacy of pluralist colonial legal systems – could disadvantage women who sought rights such as inheriting land.[498] Structural constraints in post-apartheid South Africa limited rural women's access to support from state courts in the case of divorce. These constraints included expensive court costs, lack of awareness of their legal rights, and unequal power relations with their husbands.[499] In twenty-first century Uganda, women who experienced sexual violence often distrusted legal institutions, and also faced pressures to maintain harmony within their families and communities, meaning they were unwilling to take

[495] Judith Byfield, 'Women, marriage, divorce and the emerging colonial state in Abeokuta (Nigeria) 1892-1904', *Canadian Journal of African Studies*, 30:1 (1996), pp. 32-51; Roberts, 'Representation', pp. 390-3.
[496] Elizabeth Schmidt, 'Negotiated spaces and contested terrain: men, women, and the law in colonial Zimbabwe, 1890-1939', *Journal of Southern African Studies*, 16:4 (1990), pp. 625, 647-8; Mujere, 'Land', pp. 700, 715.
[497] Zimudzi, 'African women', pp. 505-9.
[498] Fareda Banda, 'Women, law and human rights in southern Africa', *Journal of Southern African Studies*, 32:1 (2006), p. 15.
[499] Kirsty Button et al., 'South Africa's system of dispute resolution forums: the role of the family and the state in customary marriage dissolution', *Journal of Southern African Studies*, 42:2 (2016), p. 306; Tracy E. Higgins et al., 'Gender equality and customary marriage: bargaining in the shadow of post-apartheid legal pluralism', *Fordham International Law Journal*, 30:6 (2006), p. 1656.

their cases to courts.[500] As discussed in *Chapter 4*, Rwanda's complex postcolonial legal system remained difficult to access and navigate for those women who were not formally educated, wealthy, or well connected. These examples problematise the argument that colonial legal changes offered an 'empowering' opportunity for African women to acquire and use legal access and knowledge to improve their social and economic situations. For many women, particularly those who were poor, rural, or faced continuing pressure from male relatives, access to justice systems and knowledge of courts remained limited during the colonial period and in the years following independence.

This chapter will use both quantitative and qualitative evidence from the *ASF* reports to argue that many accused women in *gacaca* exerted power in court through their expanding knowledge of *gacaca*'s legal processes and expectations. This acquisition of knowledge was related to the distinct public nature of this setting, as the process compelled women across Rwanda to take an active role in the generation of genocide narratives and granted the narratives it generated a particular 'truth' status. Accused women did not just testify and speak in this public setting; they also learned to navigate the process, use its rules and status to their advantage, and control the information they provided according to what they knew about other *gacaca* participants, trials, and narratives. Women's acquisition of *gacaca* knowledge can be seen in their selective use of the guilty-plea and confession process, and in their retelling of narratives that had been generated as genocide 'truths' by other *gacaca* trials. These forms of knowledge allowed them to be selective about which information they released and withheld in their attempts to control the narrative of genocide events generated about them. Accused women also used their knowledge of the set of assumptions in – and particular to – *gacaca* about what certain behaviours said about individuals. This knowledge of behavioural expectations has been explored already through the analysis of women's silence, but it can also be seen in women's use of confessions as a behaviour that aimed to lay claim to a certain type of reformed moral self. Given the significance of legal knowledge in helping African women argue for social and economic rights in their everyday lives, this finding raises questions about *gacaca*'s wider significance as a process that led to Rwandan women gaining agency in court systems.

[500] Holly E. Porter, 'Justice and rape on the periphery: the supremacy of social harmony in the space between legal solutions and formal judicial systems in northern Uganda', *Journal of Eastern African Studies*, 6:1 (2012), pp. 81-97.

Use of guilty pleas and confessions

The reports provide evidence of accused women using their knowledge of *gacaca*'s guilty-plea and confession procedure to their advantage. Strategic confessions have been identified as a strategy in the literature on male defendants. Those who were judged to have confessed fully were eligible to have their sentence length reduced, and have proportions of their prison sentence turned into community service, depending on the category of crime and at what point in the trial process the confession was made.[501] From trial observations and interviews, the scholarship on accused men has argued that many made calculations about whether or not to confess based on their knowledge of these *gacaca* laws and of the strength of the case for and against them.[502] Some individuals seemingly admitted only to more minor crimes, especially where they thought the community did not know about their more legally serious crimes.[503] Other, previously imprisoned, individuals have claimed in interviews to have given false confessions, in the knowledge that they could be released from prison on the basis of time served if such confessions were accepted.[504] Yet, since evidence of court testimonies in *gacaca* does not reveal what actually happened during the genocide, this discussion of women's guilty pleas and confessions has to set aside any judgement of whether these statements reflected what these women did in 1994.

Women choosing to confess were not opting for a strategy without risk. To have a guilty plea accepted and qualify for a sentence reduction, the bench needed to judge that the confession was complete and described all crimes, victims, and other involved participants.[505] Furthermore, the accused individual was presenting themselves to the observing community as a person who was guilty and capable of genocide. Nevertheless, using, and perhaps manipulating, the confession procedure was a strategy that could allow those accused individuals who did not believe they could tell a successful story of genocide innocence to receive shorter sentences and potentially get released from prison on the basis of time served. This strategy was not unique to accused women. Yet, women's use of confessions holds significance as it shows them deploying knowledge of this particular public court to determine which trial strategy would be most advantageous for their situation.

[501] Hola and Nyseth Brehm, 'Punishing genocide', p. 71.
[502] Clark, *Gacaca*, p. 268; Chakravarty, *Investing*, p. 168.
[503] Sosnov, 'Adjudication', pp. 136-7; Ingelaere, 'Assembling', p. 26.
[504] Clark, *Gacaca*, pp. 209-10; Ingelaere, *Inside Rwanda's Gacaca*, pp. 63-4.
[505] Mark A. Drumbl, *Atrocity, Punishment, and International Law* (Cambridge, 2007), p. 74.

Previously imprisoned women

The prospects of a reduced sentence benefitted different types of accused women in different ways. Those who had already served time in prison as a genocide suspect could benefit from that time counting towards their final reduced sentence in a way that those who had lived freely since the genocide could not. Statistical evidence from the reports shows that women who had spent time in prison confessed at a higher rate than those who had lived in their communities freely since the genocide. This evidence suggests that these women decided that it was more advantageous for them to benefit from the time they had already served being taken off a final, shortened, sentence than to risk pleading their innocence. If they had pleaded innocent and been found guilty, their prison sentence would likely have been significantly longer.[506]

Among the accused women who appeared in *gacaca* across Rwanda, a minority were imprisoned as suspects in the immediate aftermath of genocide, some were initially imprisoned and then released on bail until their trial date, and most lived freely in their communities until being accused and put on trial in *gacaca*.[507] This variation in the accused women population is reflected in the observed sample. *Figure 5* shows the frequency distribution of how observed women appeared in court.

[506] For detail on the lengths of prison sentences for different categories of crime according to plea and moment of confession, see: Hola and Nyseth Brehm, 'Punishing genocide', p. 71.
[507] Brown, *Gender and Genocide*, p. 126.

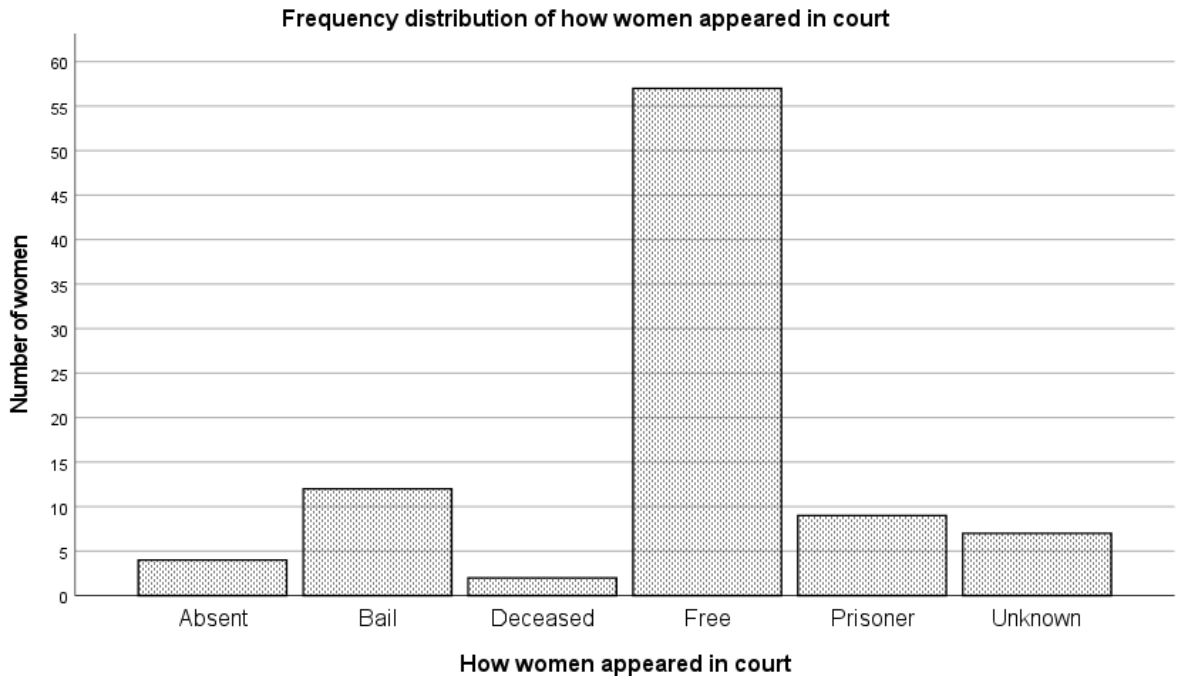

Figure 5: Frequency distribution of how women appeared in court

Fifty-seven women in the sample (63 per cent) appeared freely, never having spent time in prison on suspicion of genocide involvement. This was the most common way that observed women appeared on trial and, while these women could have benefitted from a reduced sentence if they confessed, they would not have had any time served taken off their sentence. Nine women (10 per cent) appeared in *gacaca* as prisoners, and a further twelve (13 per cent) appeared on bail. These women potentially had more to gain from a guilty plea: they had already served time towards their final sentence, and if their reduced sentence were short enough, they could be released from prison on the basis of time served. Four women (4 per cent) were absent on their trial date, and a further two women (2 per cent) were deceased when their case was brought to *gacaca*. For seven women (8 per cent), information regarding how they appeared in *gacaca* was not explicitly recorded in the reports, and no assumptions have been made for the purposes of this analysis.

The majority of observed women presented a story of genocide innocence in *gacaca*. Only fourteen (15 per cent) of the cases involved a guilty plea, while the other seventy-seven (85 per cent) did not. Statistical analysis was used to consider which women pleaded guilty, and whether this decision was related to having already served time in prison.

Using the data regarding how women appeared in *gacaca*, a binary variable, *TimeInPrison*, was created to record whether a woman was known to have spent any time in prison (those women who appeared as a prisoner or on bail; recorded as 1) or was known never

to have spent time in prison (those women who appeared freely; recorded as 0). Where a woman was absent or deceased, or how she appeared is unknown, it is uncertain whether she had spent any time in prison and so these cases have been recorded as missing, giving a total number of seventy-eight observed cases for this analysis. A second binary variable, *GuiltyPlea*, recorded as 1 where a woman submitted a guilty plea and 0 where she did not. Treating *TimeInPrison* as the explanatory variable and *GuiltyPlea* as the response variable, *Figures 6* and *7* were produced to test the null hypothesis that there was no association between whether a woman appeared in court having spent time in prison as a genocide suspect, and whether she pleaded guilty.

***TimeInPrison* * *GuiltyPlea* Crosstabulation**

			GuiltyPlea		
			0	**1**	**Total**
TimeInPrison	**0**	**Count**	54	3	57
		% within TimeInPrison	94.7%	5.3%	100.0%
	1	**Count**	11	10	21
		% within TimeInPrison	52.4%	47.6%	100.0%
Total		**Count**	65	13	78
		% within TimeInPrison	83.3%	16.7%	100.0%

Figure 6: Crosstabulation of association between the variables TimeInPrison and GuiltyPlea

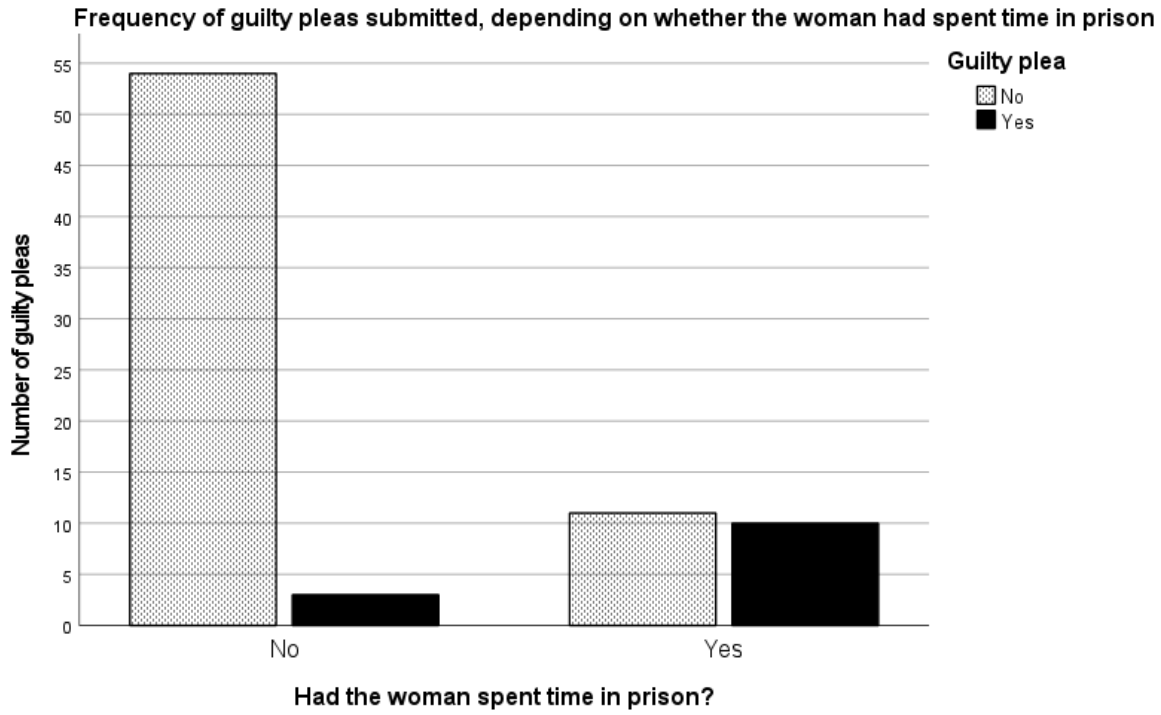

Figure 7: Frequency of guilty pleas submitted, depending on whether the woman had spent time in prison

Of the seventy-eight cases for which both pieces of data are known, twenty-one women had previously spent time in prison, while fifty-seven appeared freely. The two-way crosstabulation and bar chart indicate that having spent time in prison was positively associated with a greater likelihood of submitting a guilty plea in this sample. 48 per cent of women who had previously spent time in prison submitted a guilty plea, compared to 5 per cent of women who appeared freely, a difference of 43 per cent.

A Chi-Squared test of independence was performed to test the null hypothesis that there was no statistically significant association between the two variables (*TimeInPrison* and *GuiltyPlea*) in the evidence set. The relation between these variables was significant at the 0.05 threshold: χ^2 (1, N=78) = 19.82, P<0.01, and therefore the null hypothesis can be rejected. Unfortunately, due to low sample sizes for some of the combinations of these variables, it is not possible to say with statistical significance the quantifiable extent of this association. Since the reports are not strictly a random sample, no inferences have been made about this association in the overall population of accused women. Nevertheless, there is strong evidence for a positive correlation between observed accused women in *gacaca* having spent time in prison and them submitting a guilty plea.

Statistical analysis can highlight that observed women who had spent time in prison pleaded guilty at higher rates than those who appeared freely, but it cannot reveal why an

individual woman chose to plead guilty or not, particularly in a complex system where multiple factors overlapped to influence decisions. Other confounding variables should be taken into consideration, such as that these women's arrests might have occurred due to stronger evidence against them, and that such stronger evidence would make a confession more attractive. A woman who appeared in *gacaca* directly from prison, wearing prison clothing, might have been perceived more negatively by others in court and therefore might have had less confidence that a story of her genocide innocence would be believed. Her detention might also have made her less able to influence witnesses who lived in the community to speak on her behalf, and therefore might have made her less confident about putting together a successful defence case.

Nevertheless, the presence of such factors does not undermine the association between women spending time in prison and a higher guilty-plea rate, in the context of a sentence-reduction procedure. Confounding factors such as those mentioned were inherently linked to women spending time in prison, and would themselves have constituted forms of knowledge about the weaknesses of their cases. The prison environment should also be considered as a place where women could have gained access to knowledge about *gacaca* trials and the strategy of confession. There is limited existing research on detainees awaiting trial in *gacaca,* but members of killing groups often found themselves in the same prison as each other and could have gained knowledge from each other's trials.[508] In men's prisons at least, prison chaplains, officials, and confessed prisoners travelled between prisons to advocate for confession, encourage prisoners to ask for forgiveness, and remind prisoners of the benefits of reduced sentences.[509] More research on women's prison lives is needed to know for certain, but it is likely that the prison environment was one where women acquired knowledge of the potential benefits of a confession strategy for their case.

Ultimately, this higher guilty-plea rate took place in a context where the sentence-reduction procedure offered particular benefits to those who had already served time towards their final sentence, especially where the reduced sentence could result in them being released directly from prison. For those women who appeared freely in court, less obvious benefit came from this procedure since even a reduced sentence for a guilty plea would still have involved being sent to prison from court. This statistical evidence suggests that some imprisoned women had gained, and were acting upon, the knowledge that a confession and guilty plea could serve them better than a story of innocence in terms of their final sentence length.

[508] Chakravarty, *Investing,* p. 184.
[509] Ibid., pp. 170, 179; Pierre Allard and Judy Allard, 'Prison chaplaincy, restorative justice, and *Just.Equipping*', *Peace Review,* 21:3 (2009), p. 333.

Confessing as a performance of morality and legitimiser of state justice

Going beyond the statistical evidence reveals that confessing was not just a strategy to secure a more immediate release from prison, but also a behaviour that allowed an accused individual to present a reformed version of their present-day self. Donata, who appeared in court as a detained prisoner, was tried in May 2005.[510] She was accused of having taken part in the killing of a Tutsi. The observer recorded that '*Elle a reconnu ce crime dans ses aveux, qu'elle réitère devant le public et pour lequel elle présente ses excuses au peuple rwandais et à Dieu.*' [She recognised this crime in her [written] confession, which she repeats before the audience and for which she presents her remorse to the Rwandan people and to God.][511] This statement was a common and formulaic way to speak a confession to the court when the accused had also submitted a written confession of events that detailed the nature of their crimes, victims, and accomplices.[512] Donata did not testify further or say anything to deny any elements of the charge against her. She also did not present any defence witnesses. She made no effort to give a story of innocence, instead presenting herself as offering a complete confession.

While confessing was dangerous in that the accused presented themselves publicly as an individual who had committed genocide, Donata's language of remorse, including her apology to '*Dieu*' [God], also speaks to how confessing could allow an individual to distance themselves from how they acted during the genocide.[513] Confessing was a particular form of public speaking through which an individual laid claim to a certain type of morality after immorality. This nature of confession was not unique to *gacaca*, nor was it without precedent in Rwanda. While not its main stated aim, public spiritual confession, including in Catholicism, has been identified as a form of 'impression management' that allows the confessor to be perceived more positively by others in the community.[514] The public confession of sins in Rwanda in the East African Revival – and specifically the bringing of these sins into public knowledge through acts of public speech – allowed members to show a transformation from their past behaviour to a present-day 'saved' morality.[515] These public confessions allowed

[510] ASF, 'Kibuye: mai 2005', pp. 8, 11.
[511] Ibid., p. 10.
[512] Towner, 'Documenting genocide', pp. 291-2.
[513] Chakravarty, *Investing*, pp. 195-6.
[514] Aaron B. Murray-Swank et al., 'Understanding spiritual confession: a review and theoretical synthesis', *Mental Health, Religion and Culture*, 10:3 (2007), p. 285.
[515] Jason Bruner, 'Contesting confession in the East African Revival', *Anglican and Episcopal History*, 84:3 (2015), p. 268.

Revivalists to establish a public identity as both a past sinner and a new, present-day, moral person.[516] Donata's evocation of the '*peuple rwandais*' [Rwandan people] as one of the addresses to whom she was apologising speaks to the way that confession was linked to membership of a particular moral community. If accepted by the bench, Donata's confession would allow her to present herself as a Christian woman who had transformed in the years since the genocide into a 'non-genocidal' person and was now able to reintegrate into the population. It would also allow her to lay claim to the morality of someone whose present-day self not only regretted their previous actions, but was prepared to repent them publicly and put themselves at the mercy of the *gacaca* court's sentencing decision.

Donata's confession also speaks to the particular public nature of *gacaca*: that it was a state process that determined the 'truth' of genocide events and prompted reconciliation between reformed *génocidaires* and their victims. Individuals who confessed in *gacaca* conceded to the Rwandan state the moral right not only to judge and sentence them, but also to assert its power and authority into local communities through this justice system.[517] By playing a part in the *gacaca* process because it acted in her own interests to do so, Donata contributed to the legitimation of this state justice system and its role in producing reformed and repentant *génocidaires*. In doing so, she enhanced the right to rule of the RPF regime, and also helped to produce a particular version of the post-genocide state.

After two witnesses testified to her genocide guilt, the bench accepted Donata's guilty plea and confession. It sentenced her to twelve years' imprisonment, but noted that the eight years she had spent in preventative detention since the genocide would be taken off her sentence, and that the remaining four years would be served in the form of community service.[518] Donata's twelve-year sentence was consistent with the government's sentencing guidelines of seven to fifteen years for a killer who had confessed, compared to between twenty-five and thirty years for an individual found guilty of killing who had pleaded their innocence.[519] The report cannot reveal for certain Donata's motivation for confessing, but with two witnesses testifying to her guilt, no defence witnesses, and having already served eight years in prison, her actions suggest that she knew that confessing would give her a greater chance of being released from prison sooner than telling a story of innocence. Although she

[516] Jason Bruner, 'Public confession and the moral universe of the East African Revival', *Studies in World Christianity*, 18:3 (2012), p. 258; Daewon Moon, 'Testimony and fellowship for a continuous conversion in the East African Revival', *Studies in World Christianity*, 24:2 (2018), p. 158.
[517] Chakravarty, *Investing*, pp. 171, 319-20.
[518] ASF, 'Kibuye: mai 2005', p. 11.
[519] Hola and Nyseth Brehm, 'Punishing genocide', p. 71.

would have been released immediately had she been found innocent, she would have faced up to twenty-two further years in prison had she pleaded innocent and been found guilty. Donata was one of ten out of twenty-one observed women who had spent time in prison and who chose to plead guilty. These decisions suggest that these women were using their knowledge of the benefits that they could be afforded by *gacaca*'s sentence-reduction system, as well as of the form of morality to which the public behaviour of confessing allowed them to lay claim. By doing so, these women played a role in a process that flattered, gave legitimacy to, and produced a certain version of the Rwandan state.

Selective guilty pleas

Not every confessing woman admitted to all crimes of which she had been accused. Of the women who are recorded as submitting a guilty plea, some aimed to make use of the procedure in a selective way. The content of these women's confessions reveals that they admitted only to some crimes – usually the least serious – and presented this admission as a full confession. In doing so, they seemingly aimed to avoid generating knowledge about certain allegations while still receiving the benefits given for a confession. These selective guilty pleas were calculated risks that made use of several forms of knowledge in *gacaca*, including of the sentence-reduction procedure, the potential power of selective silence, and the way that confession allowed the performance of a present-day morality. These selective guilty pleas allowed women to use this public setting to generate a narrative of their genocide guilt that best served their interests, while the behavioural aspect of confessing flattered *gacaca* as a process that produced reformed citizens.

Cécile was put on trial in Kibungo in August 2006, in front of an audience of over 200 people. She had initially been detained for eight years and six months as a genocide suspect, before being released on bail until her trial date.[520] Cécile was accused of three crimes: participating in an attack on an office building in which several people were killed; killing the victim Médard; and destroying the house of a further victim. She had pleaded guilty to two of the crimes at her cell-court pre-trial hearing and reiterated this guilty plea here, saying that she recognised participating in the attack at the office and in the destruction of the victim's house. However, she said that she denied the charge of killing Médard. Cécile claimed that she

[520] ASF, 'Observation des juridictions gacaca: province de l'Est: ex province de Kibungo: août 2006', *Unpublished monthly review* (2006), pp. 5, 9.

overheard other people killing Médard, and that he died just as she arrived at the place of the attack. In their questions, the judges asked Cécile to specify her responsibility in the attack on the office and in the destruction of the victim's house. Cécile admitted to throwing stones into the office but said that she did not know if the stones hit any of the hiding Tutsis, and she also admitted to stealing some firewood from the house.[521] Through these responses, Cécile presented herself as someone who was not attempting to hide her genocide guilt, but rather was prepared to give all the details of her involvement in the two crimes that she committed. Cécile thereby used her selective confession to imply that she was no longer harbouring her past 'genocide ideology'.

Most evidently, Cécile's strategy reflected knowledge about how the sentence-reduction system could best benefit her as an individual who had already served time in prison. Her selective confession was not without risk, and Cécile faced the chance of her guilty plea being rejected if the bench did not judge it to be complete, likely leading to a longer sentence of up to thirty years' imprisonment for the three charges.[522] The killing act was, however, considered the most legally serious of the crimes with which she was charged, and would likely have led to time being added to her final sentence if she confessed to it as well. Regardless of her actions during the genocide, this selective confession should be seen in the context of a risk calculation about both the likely remaining length of her sentence and the likelihood of the judges accepting a confession to just two of the crimes.

Cécile's strategy was successful. The bench declared in its judgement that '*Les aveux de l'accusé sont acceptés*' [The confession of the accused is accepted]. It sentenced her to twelve years' imprisonment, specifying that this was the sentence for these crimes for individuals who had used the confession procedure after being listed as a genocide suspect. The judges' verdict stated that since Cécile had already spent eight years and six months in preventative detention, the rest of her sentence would be commuted to community service.[523] Cécile's successful use of the guilty-plea procedure for the two less legally serious crimes resulted in her immediate release from prison.

Cécile's strategy also reflected her knowledge of the potential power of silence in certain contexts and, crucially, her predictions of what other court participants might speak about in court. Cécile's portrayal of herself as someone who was confessing fully to those crimes that she committed helped her to steer the *gacaca* debate away from the other charge

[521] Ibid., p. 6.
[522] Hola and Nyseth Brehm, 'Punishing genocide', p. 71.
[523] ASF, 'Kibungo: août 2006', p. 8.

and avoid generating knowledge about it. As with other instances where women steered discussions away from certain crimes, this strategy was successful only in conjunction with other court participants. The success of Cécile's selective confession was reliant on other individuals remaining silent about the murder of Médard. The judges did not ask any questions about the killing charge, and none of the witnesses or audience members spoke about Cécile's actions in relation to the murder.[524] Cécile's decision not to confess to this murder should be considered in the context of what information she suspected she could control and withhold. If she suspected, or had knowledge, that none of the listed witnesses or those present in court would accuse her of the killing event then, provided she did not generate evidence against herself, according to *gacaca* law she could not be found guilty and receive a sentence for it. On the basis of these assumptions and forms of knowledge, it was strategically advantageous for her to withhold information about, and deny, the killing charge.

Cécile used several forms of knowledge in her selective guilty plea. She drew upon, and perhaps withheld, her knowledge of her genocide actions, as well as what other court participants would or would not say about these. These forms of knowledge built on wider knowledge about how evidence was generated in *gacaca*, and that an accused individual's silence could be a successful strategy where other court participants similarly remained silent about certain events. Cécile also used her knowledge of the sentence-reduction procedure and of likely sentence lengths for different crimes. Finally, she used the knowledge that framing a defence statement as a confession and appearing to give full details of genocide involvement was a way for an individual to present themselves as a remorseful person who had changed morally since the genocide. Through this public setting, she and the court together created a state-authorised narrative of genocide events in which Cécile did not kill Médard.

In some ways, the use of confessions was the opposite strategy to the use of silence, since confessions relied on speaking to reveal information. Yet, both strategies were fundamentally part of the same desire to control both the generation of genocide knowledge and the presentation of self. The women who presented themselves as confessing told stories of genocide guilt at a point when revealing this information was advantageous to them. There is also evidence that some withheld information about certain crimes if these could be detrimental to their eventual sentence length and if they had reason to believe that this information would not be shared in court by others. Like silence, confessing was also a behaviour that allowed a certain presentation of self. By confessing, an accused individual

[524] Ibid., pp. 6-8.

portrayed themselves as a particular type of moral and changed person: one who had acted immorally during the genocide, but who was now remorseful and prepared both to admit these actions publicly and accept *gacaca*'s judgement for them. It was not just knowledge of the sentence-reduction procedure that women used when they confessed, but also knowledge of how confessing as a behaviour allowed them to present themselves to the court. This self-presentation also flattered the process, as it affirmed *gacaca*'s – and by extension the state's – central role in the production of reformed *génocidaires* and reconciliation of communities.

Knowledge and retelling of *gacaca*'s genocide 'truths'

There is also evidence throughout the reports of women using their acquired knowledge of *gacaca*'s laws and processes to tell their stories of innocence. Some emphasised *gacaca*'s burden of proof being on the accuser, as was the case with Sisters Elisabeth and Monique in the previous chapter, while others exercised their right to submit an appeal. Most strikingly, since it shows knowledge not just of how *gacaca* laws functioned in court but also of *gacaca*'s wider role within Rwandan society, some women made use of *gacaca*'s status as a public space that would reveal the 'truth' of genocide events. This status meant that the narrative accepted by the bench in its verdict became the court- and state-generated knowledge of what had occurred during the genocide. These women used the power of *gacaca*-generated genocide knowledge by selectively retelling narratives that had been established as genocide 'truths' by other *gacaca* courts. They had learned that the judges in their own trials could not contradict these narratives without undermining either the work of their fellow judges or *gacaca*'s status as a public truth-revealing process.

In her appeals trial, Marie used her knowledge of *gacaca*'s legal basis throughout her defence strategy, including her knowledge of the status of *gacaca* courts as truth-revealing spaces. Accused individuals had the legal right to appeal the verdicts for any category one and two accusations.[525] Marie took advantage of this right, appearing in an appeals court as a detained prisoner in Gikongoro in January 2007. In the sector court, she had been found guilty and sentenced to twenty-five years' imprisonment for alerting the assailants who killed a victim named Simon.[526] At the beginning of her appeals trial, the secretary of the judges read Marie's written appeal, in which she stated that she was judged in her absence in the sector court

[525] Human Rights Watch, *Justice compromised*, p. 20.
[526] ASF, 'Observation des juridictions gacaca: province du sud: ex-provinces de Gikongoro, Butare et Gitarama: janvier 2007', *Unpublished monthly review* (2007), pp. 14-15.

because she was ill on her trial date, and so did not have the chance to defend herself.[527] A written appeal was the only legally accepted way of challenging a previous court's established narrative of events, and it had to be filed within two weeks of the initial verdict.[528] After this timeframe, the previous court's judgement could no longer be challenged. By emphasising her inability to present her own narrative of events in her initial trial, Marie undermined the sector court's generated knowledge of her genocide involvement, as was her legal right. She presented a legitimate reason for this appeals court to reopen a discussion of what her role was in relation to Simon's murder.

After her appeal was read out, Marie said that an accused individual named Védaste had confessed to the murder of Simon and had not mentioned Marie in his confession. The basis of Marie's defence was that another court had accepted Védaste's confession as a truthful and complete story of this genocide event and its perpetrators, and that since Védaste had not included her in this narrative she could not have participated in this murder. The judges asked Marie why she had not given this information in the cell-court pre-trial hearing when her file had been compiled, and Marie responded that she had not known about it at that time. Marie's defence shows an acquisition of two different, but overlapping, forms of knowledge. Firstly, she had learned that Védaste made this statement in his trial. Secondly, she had gained the knowledge of the power that his statement could take on in her own trial, now that a different *gacaca* court had accepted the confession and made it the state-accepted 'true' account of the murder.

Marie's defence was not accepted uncritically by all court participants. One woman, in her capacity as a civil party to the case, spoke following Marie's defence statement to say that Marie's brother was detained in the same prison as Védaste, and that she had colluded with Védaste so that he would not implicate her in his confession. The report does not reveal whether this collusion occurred or not. If the collusion did occur, it would show just how powerful Marie believed Védaste's confession could be in her own trial, both if his confession implicated Marie and added weight to accusations against her, and if it denied her participation. The collusion would also show that Marie was able to act upon this assumption through her relationship with her brother, who was the individual with the alleged ability to influence Védaste's testimony. Marie did not directly deny this accusation, saying instead that it was up to the civil party to provide evidence to support her claim. Just as Sisters Elisabeth and Monique

[527] Ibid., p. 15.
[528] Human Rights Watch, *Justice compromised*, p. 20.

had done throughout their trial, Marie called upon her knowledge that *gacaca*'s burden of proof should fall on the accuser.

The questioning of Marie by judges, witnesses and audience members continued, with one audience member asking if there were other people who had admitted their participation in this murder who could be interrogated. The observer reported that '*L'accusée répond que le Siège devrait consulter le témoignage de [Védaste] pour voir les coauteurs qu'il a cités.*' [The accused responds that the bench should consult the testimony of Védaste to see the co-authors that he cited.][529] Marie was once again forceful in her claims that Védaste's *gacaca*-accepted confession was the evidence base that the judges should use to determine who had been involved in the murder.

Despite witnesses and audience members speaking against Marie, including one who said that she heard Marie calling the assailants to where Simon was hiding, the bench acquitted her.[530] Marie's successful defence relied on various forms of *gacaca* knowledge. She called upon her accusers' legal requirement to provide proof of their allegations. Whether or not Marie's knowledge of the power of Védaste's confession extended to her using her relationship with her brother to influence what Védaste said cannot be known, but she did not deny this collusion. Most notably, Marie used her knowledge of the occurrence and contents of Védaste's statement, as well as of the state-decreed 'truth' status of accepted confessions, to argue that *gacaca* could not accept and approve two contradictory narratives of the same murder.

Conclusion: women's growing court knowledge and agency

The court reports show that some women used their expanding knowledge of the rules and norms of this public court system in their attempts to control which information was established as the court- and state-accepted version of genocide events, and to achieve their desired trial outcome. Fourteen of the observed women made use of the guilty-plea and confession procedure, the majority of whom had spent time in prison as genocide suspects. It is likely that these women made calculations about the potential sentence reductions available to them for a guilty plea, especially if they had already served time towards their sentence. Some women also confessed to certain crimes and not others, seemingly based on their knowledge of sentence lengths and reductions, as well as on their predictions of what other court participants

[529] ASF, 'Gikongoro, Butare et Gitarama: janvier 2007', p. 15.
[530] Ibid., pp. 15-17.

would have knowledge about and speak to during their trial. Other women, when presenting their stories of innocence, emphasised that the court required their accusers to prove their allegations, while some made use of their right to appeal the sector court's initial verdict. There are also examples of observed women drawing on their knowledge of *gacaca*'s national status as a genocide truth-revealing process to retell selected narratives that had been established as 'truths' in other courts.

Accused women also gained knowledge of the behaviours that allowed them to present moral versions of their selves to the *gacaca* court. The reports show that many women knew that a successful *gacaca* strategy did not just involve telling a version of genocide events, but also involved convincing those watching and judging either that their past self was not capable of genocide, or that their present-day self was no longer 'genocidal', or both. Women learned that confessing and asking for forgiveness was a way for an accused individual to distance themselves from their genocide actions and lay claim to a particular type of reformed morality after previous immorality. Some women in *gacaca* also knew that silence was a gendered behaviour that could allow them to present a virtuous, moral self in public spaces. Of course, perceptions of silence as a behaviour in *gacaca* changed over time as women became expected to speak to their full involvement in genocide events, showing how the norms and expectations in *gacaca* about which women needed to be knowledgeable were not always fixed throughout the process. Those women who told their stories of genocide successfully in *gacaca* knew not just what information to conceal and reveal, but also how to present themselves and behave in this public space to perform a 'non-genocidal' version of their personality.

Women's agency in and knowledge of this court system speak to the wider question of what it has meant for women in Africa to have increasing opportunities, and face increasing compulsion, to act and speak in court systems since colonial rule. Women's actions in *gacaca* reveal inherent tensions between: women's increasing agency in and knowledge of how to navigate these public spaces and the wider benefits this agency might grant; women's forced participation in court systems that legitimated the state's – including the colonial state's – authority in African communities; and how women's knowledge of such systems could serve to help them avoid facing justice for violent actions.

Gacaca trials furthermore speak to questions about which individuals can speak, and what they are able to speak about, in different public places. Conversely, they also speak to questions about which individuals can avoid speaking, and what they can avoid revealing, in these public spaces. In compelling accused women across Rwanda to take part in this public generation of knowledge about the genocide each week for several years, the *gacaca* process

expanded the boundaries of Rwandan women's agency in public settings. However, voice and power are not synonymous, including in *gacaca*. For women who found silence to be a powerful tool, they found that this power was hindered when they were compelled to speak. There was therefore an inherent tension between these individual women's power, which played and relied upon expectations of gendered submissiveness, and the way that *gacaca* courts expanded Rwandan women's capacity to exert agency through public speech acts. Furthermore, while accused women acquired forms of knowledge through the *gacaca* process and used these to their advantage, this acquisition was also not always through the act of speaking. It is possible to see the outcomes of women's acquired knowledge in the reports, but it is much harder to see how they gained this knowledge. It was likely, however, that they acquired knowledge about *gacaca* through listening to and observing other *gacaca* trials and participants, as well as through more covert and private conversations with other actors, including in prisons.

The reports also reveal that the power of speech, silence, and knowledge varied significantly for different women and in different contexts. Women's strategies to tell their stories of genocide were most effective when employed in conjunction with the support of other court participants. Women experienced most success when they were able to draw upon their social power or their relationships with other – mostly male – actors in their implementation of their *gacaca* strategies. When employed on their own, and without these relationships or the enabling of other actors, these strategies were often unsuccessful, as shown most evidently through the changing expectations about women's silence in court. Central to most trials was the importance of women's social relations, which could be both a form of power and a way in which women were dependent on others. On the one hand, social connections gave certain women the ability to control, influence, and predict what other participants would say. On the other hand, women were reliant on other court actors' approval to be able to speak and behave in certain ways in this public court system, and ultimately to make their story the court-generated narrative of genocide events.

Chapter 6. Were women capable of genocide? Denials, fears, and 'truth' construction of women's violent agency

The next two chapters will consider whether *gacaca* confronted Rwandan women's agency in the perpetration of the genocide. They will ask whether and how the process brought women's acts of perpetration into public knowledge and forced both local communities and the nation as a whole to reckon with women's capacity for violence. They will question what stories of women's genocide guilt and innocence accused women and other court participants chose to tell in these court spaces, as well as what narratives of women's agency and power were accepted and authorised by the benches in their verdicts. *Chapter 6* will explore the stories told, and state-authorised 'truths' constructed, in *gacaca* about 'ordinary' women's agency and culpability in committing violence during the genocide. *Chapter 7* will build on this analysis, using evidence from the reports to consider the heightened stigma in trials towards those women who were judged to have transgressed gendered expectations of female peacefulness and submissiveness during the genocide, especially in relation to their domestic roles. In its exploration of how women faced punishment for accusations of exerting power over their male relatives and inciting them to commit violence, *Chapter 7* will show the creation of a state-authorised 'truth' narrative by *gacaca* that those women who had committed genocide were 'extraordinary' gendered anomalies who had transgressed their natural female states. *Chapter 7* will also reveal how local actors contributed to a further function of *gacaca*: as a political and communal process that made moral judgements about contemporary Rwandan women's domestic roles and place within the household. In doing so, these local actors produced a state that acted to intervene in this perceived gendered threat.

Gacaca courts grappled with the fundamental question of whether ordinary Rwandan women had perpetrated the genocide. As discussed in *Chapter 2*, *gacaca* courts not only formed judgements about each accused individual's guilt, but also made broader moral statements about what actions and mentalities were considered 'genocidal', in the context of wider state concerns and laws regarding 'genocide ideology'. By extension, and in its capacity as a space of state-authorised truth construction, *gacaca* was a state process that made moral judgements and generated 'truths' about which individuals were – or were not – genocide perpetrators.

As also explored in *Chapter 2*, *gacaca* courts were not simply top-down state institutions; they were also localised and contested spaces in which communities and local

actors could negotiate, debate, construct, support, and challenge the regime's 'truth' narrative of the genocide. This local involvement in both *gacaca* and the RPF's wider 'truth' generation of the genocide produced power for the regime and contributed to the production of the post-genocide state in local areas.

Yet, the reports of women's trials show that *gacaca* generated 'truths' that were not all simply versions of a narrative already decided at a national level. *Chapter 2* explored how existing research has identified that there was a tension between the RPF's genocide 'truth' narrative of near-total Hutu complicity, and its concurrent narrative of women's victimhood and peacefulness. The *ASF* reports analysed in this chapter and the next reveal that local communities placed a crucial role in negotiating and complicating the narrative around women's genocide involvement. Simultaneously, this state institution and the local actors who participated in it acted to define accused women's identities according to the court's verdict of their culpability, thereby determining these women's status and presence in – or absence from – their post-genocide communities.

In many respects, the *gacaca* process expanded the boundaries of discussion about women's genocide agency. This agency had largely been ignored in Rwandan society in the decade since the genocide, and the *gacaca* courts forced local communities to debate publicly women's capacity for violence for those women who had been accused.

However, this chapter will explore how gendered defences, arguments, and verdicts were a theme across women's *gacaca* trials, and thus contributed to at least one of the state-generated 'truths' about the genocide and who had perpetrated it. The reports show that these gendered stories tended to help women defend themselves against charges of genocide in *gacaca*. Many accused women used expectations about their gender – particularly motherhood, peacefulness, and domestic subservience – to defend themselves successfully against charges of genocide. Other trial participants' testimonies also spoke to beliefs about women's incapacity to have a will to commit genocide, presenting women's violent actions as stemming from other, 'non-genocidal', reasons. These stories of women's agency show that *gacaca* was a process that exposed wider societal fears of women's violent power. They also show women's abilities to deploy such fears to their advantage when speaking in this public space. As mentioned already, much occurred in and around *gacaca* courts that the reports do not capture. It is therefore difficult to draw direct conclusions about individual judges' motivations for delivering the verdicts that they did in each case, and whether they were influenced by gendered arguments. However, for the purposes of considering *gacaca*'s 'truth' generation, it is more pertinent to consider what narratives about women's violence the courts generated through the

pronouncement of these verdicts. Regardless of what factors influenced judges' decisions, the arguments and testimonies produced in court formed the publicly recorded, and then *gacaca*-authorised, stories of these women's genocide involvement. The judges' authorisation of these gendered defences in their verdicts shows the construction of a 'truth' narrative by *gacaca* that ordinary Rwandan women were not capable of committing genocide.

Building on findings in previous chapters, the reports show that women who told gendered stories of innocence often found success where they employed other strategies alongside these speech acts, including silence, knowledge of *gacaca*, and their social relations. Also building on analysis in previous chapters, this chapter will consider how accused women's choices to use language of female powerlessness when defending themselves against charges of genocide further expose tensions between women's forced participation in a punitive system that produced authority for the state; individual women's agency and success in using speech acts to achieve favourable trial outcomes; and women's involvement in generating gendered narratives of female passivity. These tensions complicate assumptions about the relationship between African women's voices in such public spaces, and their 'empowerment'.

Gendered stories of innocence

Motherhood

The reports show that pre-existing conceptions about gender tended to help women defend themselves against charges of genocide. Several women successfully employed ideas about female peacefulness and passivity to argue that they, because they were women, could not possibly have committed these acts of violence. Most common of these gendered defences was the argument that the accused could not have attacked or killed because she was a mother. The acceptance of these defences by the benches shows the construction of a 'truth' narrative by the *gacaca* process that ordinary Rwandan women were not capable of committing genocide.

Virginie was tried alongside four men in Ruhengeri in August 2006, in front of an audience of around 1,200 people.[531] She was accused of participating in attacks carried out at the victim Martine's house, as well as beating and torturing the victim Laurent and stealing 17,000 Rwandan francs from him. Martine spoke first to say that Virginie was not one of the

[531] ASF, 'Observation des juridictions gacaca: province du Nord: ex province de Ruhengeri: août 2006', *Unpublished monthly review* (2006), pp. 28, 31.

people who attacked her, and so the rest of Virginie's trial focussed on her alleged attack on Laurent. Laurent spoke next and testified that in 1993, he was driven to a roadblock. He said that the people who were there, including the accused, made him sit on a tyre and put a large stone on his head, and that he was forced to give them 17,000 Rwandan francs to be released. Laurent also said that his attackers, including the accused, spoke and sang anti-Tutsi rhetoric while carrying out the attack.

Virginie was then given the opportunity to present her defence statement. She admitted to being a member of the *Mouvement révolutionaire national pour le développement* (*MRND*; the ruling political party) but argued that she was only acting under the orders of her superiors, the *MRND* authorities, to force members of the *Mouvement démocratique républicain* (*MDR*; an opposition political party) to join the *MRND*. She also admitted to singing songs that praised the ideology of the *MRND*. However, she denied involvement in this attack on Laurent. She said that she did not know if the victim either gave money or was a member of the *MDR*. The observer then recorded that '*L'accusée ajoute qu'elle ne pouvait pas faire du mal à la victime d'autant plus qu'il est son gendre.*' [The accused adds that she could not have hurt the victim especially since he is her son-in-law.][532] Virginie explicitly argued that, despite her presence at the scene of the attack, her membership of the *MRND* party, and her singing of anti-Tutsi ideology, her role as the victim's mother-in-law prohibited her from committing an act of violence against him. Beyond simply denying the charge, this statement was the only evidence she gave for her innocence.

Later in the trial, in response to a question about why he was accusing only Virginie when there were multiple people at the roadblock, Laurent replied that it was Virginie who asked him to give the money. Despite her initial denial of any knowledge about the attack or whether Laurent gave money, Virginie responded to this accusation by saying that she proposed that the victim give money so that he would not be tortured further.[533] In light of her previous claim that her motherhood of Laurent prevented her from being able to commit harm against him, Virginie portrayed her request for money from Laurent as a protective action designed to stop him experiencing further harm.

Virginie's invocation of her motherhood was ultimately successful. Despite admitting to being present and proclaiming Tutsi hate speech, as well as changing her story during her trial, Virginie was pronounced innocent.[534] The report evidence suggests that it might not have

[532] Ibid., p. 34.
[533] Ibid., pp. 34-5.
[534] Ibid., p. 37.

been Virginie's own choice of testimony alone that helped her, but also that the mother-son relationship itself might have played a role in this court space. During the latter stages of the trial, a judge who was observing in the general assembly spoke to ask Laurent if he would be ready to forgive the accused if she reimbursed him the money, and Laurent responded that he would.[535] This intervention was unusual, and in effect changed the terms under which the trial was taking place. It came from a judge who was not sitting, but who nevertheless likely had social capital in this environment due to his role. His speech act did not ask a question about genocide events, but instead proposed the idea of a settlement between members of the same family that would lead to forgiveness – or at least the public appearance of forgiveness. In doing so, the judge implied that the events under discussion constituted an interpersonal dispute requiring resolution, rather than crimes requiring punitive justice. The motivations for such an intervention, or for Laurent's agreement with the proposal, cannot be known for certain from court-report evidence alone. Yet, Laurent's willingness to say publicly in court that he would forgive Virginie if she gave him the money further raises the question of whether both of these unusual speech acts were linked to a desire – from the judge, Laurent, and finally the bench – to reach a solution between two members of the same family that did not involve imprisonment, even where a violent act had taken place during the genocide. Ultimately, Virginie was acquitted in a trial where her principal defence was one reliant upon her motherhood, and where her son-in-law proclaimed publicly that he would forgive her violence against him if she repaid him financially.

Another woman, Pauline, appeared before a *gacaca* court one morning in January 2007. She was on trial alongside a man, Antoine, who was accused of showing attackers where Pauline's children were hiding. The charge against Pauline was of abandoning her four children to attackers so that they could be killed.[536] Antoine spoke first to deny the charges against him. He testified that Pauline and her children were hiding at his house. He said that after attackers came and killed one of the children, Pauline decided to flee and leave her children behind. Antoine claimed that Pauline said '*qu'elle ne risquerait pas sa vie pour des enfants qui ont du sang Tutsi.*' [that she would not risk her life for children who have Tutsi blood.] According to Antoine, a few days after Pauline fled, the children themselves fled his house and were later killed by attackers.[537]

[535] Ibid., p. 35.
[536] ASF, 'Observation des juridictions gacaca: actuelle province de l'Ouest: ex-province de Gisenyi: janvier 2007', *Unpublished monthly review* (2007), pp. 6-7.
[537] Ibid., p. 7.

Pauline testified next and claimed that Antoine was lying. Her story was that Antoine and his mother forced her out of their house and made her leave the children behind. Pauline claimed that they promised to take care of her children after she left, but instead drove them out of their house as well. Under questioning from the judges about whether she told anyone that she left her children because they had Tutsi blood, Pauline responded that

> *Je n'ai jamais dit une telle chose. Comment est-ce qu'une personne douée de raison, qui a donné la vie à des êtres humains, peut vouloir leur mort?*
> [I never said any such thing. How is it that a person endowed with reason, who gave life to human beings, can want their death?][538]

Not only did Pauline argue that she personally could not have killed her own children, but by using this rhetorical question she appealed to the idea of a general 'truth' that no sane mother could possibly want her children to die. She asked the judges to refer to their 'knowledge' that the state of motherhood was incompatible with child-killing. Pauline's defence was successful, and the bench found her innocent.[539]

Cilla was put on trial in August 2007. She appeared freely in front of an audience of around 100 people, accused of being complicit in the killing of two of her children and her newborn baby.[540] She pleaded not guilty and argued in her defence testimony that

> *Je n'ai pas tué mes enfants. Ceux qui le disent veulent me blesser davantage. Depuis que mes enfants ont été tués, je suis traumatisée. … Je voulais cacher mes enfants et les épargner de la mort.*
> [I did not kill my children. Those who say so want to hurt me more. Since my children were killed, I have been traumatised. … I wanted to hide my children and save them from death.][541]

Cilla emphasised the pain of losing her children, presenting their deaths as a traumatising event and arguing that the accusation against her was maliciously intended to increase this pain. Her central argument in her testimony was that, as their mother, her sole desire was to protect her children; a position that she contended stood in direct opposition to the charge of complicity in their killing.

---

[538] Ibid., p. 8.
[539] Ibid., p. 10.
[540] ASF, 'Observation des juridictions gacaca: province du Sud: ex province de Gikongoro: juillet-août 2007', *Unpublished monthly review* (2007), pp. 19-20.
[541] Ibid., p. 20.

As well as her speech acts, the observer recorded that Cilla showed emotions throughout her testimony, writing that she '*sanglotait durant toute sa déclaration'* [sobbed during her whole statement].[542] This public expression of emotions continued into the trial immediately following hers, where a second woman was accused of burying one of Cilla's children alive. This second trial took place before the judges had deliberated on Cilla's trial. The observer recorded that

> *[Cilla] qui est assise dans le public pousse un cri, elle tombe par terre et manifeste des signes de traumatisme. … Une femme chargée d'aider les personnes traumatisées intervient pour aider la patiente.* [Cilla who is sitting in the audience cries out, she falls to the ground and shows signs of trauma. … A woman responsible for helping traumatised people intervenes to help the patient.][543]

It is unusual for a report to record that a woman publicly displayed a form of emotion when on trial. Any analysis of this observation needs to be aware that it represented the observer's interpretation of Cilla's emotional display; the report does not give access to either what Cilla was feeling or what she was trying to communicate with any physical or emotional behaviour. It cannot be known whether these behaviours were an expression of how Cilla felt when telling and hearing such distressing information about her children, or whether they were conscious public performances of a particular type of behaviour. Nevertheless, in addition to her spoken words that emphasised explicitly her traumatised state, the observer's report indicates that Cilla presented a public version of herself as a distraught and grieving mother, instead of a woman who had killed her own children.

As well as this presentation of her motherhood being incompatible with killing, during her trial, Cilla used her defence testimony to tell a story that it was actually male members of her family who took decisions regarding her children and even collaborated with their killers. Cilla testified that she took her children to her mother's house to hide, and that when she told her father about what she had done, '*il a décidé que certains enfants devaient passer la nuit chez sa deuxième femme.*' [He decided that some children should spend the night at his second wife's house.] According to Cilla, her eldest daughter was not one of the children her father chose to go to his second wife's house, since she said that the same night, an attacker came to chase out Tutsis from her mother's house and took her eldest daughter away. Cilla testified that some days later, she was with her children and mother when attackers came to the house again.

[542] Ibid., p. 21.
[543] Ibid., p. 24.

She recounted that when the attack group arrived, her children fled inside the house and the lead attacker

> *a ordonné à mon frère d'aller les faire sortir de la maison. Il les a faits sortir et les assaillants les ont emmenés. Je n'avais ni la force ni le courage de faire quoi que ce soit, je suis restée assise au balcon avec ma mère.*
> [ordered my brother to go and get them out of the house. He got them out and the assailants took them away. I had neither the strength nor the courage to do anything, I stayed sitting on the balcony with my mother.][544]

In these stories of where her children hid and how they were taken away to be killed, Cilla emphasised that it was male members of her family who took active decisions. She emphasised her lack of strength and argued that she was powerless to prevent the attackers and her brother collaborating to remove her children from her mother's house. Significantly, her brother spoke on her behalf when giving witness testimony and confirmed this story that he was the one who took part in the attack.[545] These testimonies together presented a story that Cilla and her mother were simply passive observers to these genocide events, while her father and brother took decisions regarding where her children should hide and whether they should be given over to the attackers. Throughout her trial and continuing into the trial immediately following hers, Cilla presented herself as a mother who wanted only to protect her children, but who did not have the power either within her household or over their attackers to do so. Like the other two women, Cilla was successful in invoking her motherhood to defend herself, and was acquitted of the charges against her.[546]

Since *gacaca* did not reveal the 'truth' of genocide events, it is impossible to know from the reports alone whether any of these women took part in attacks and killings, as well as whether these motherhood defences reflected genuine beliefs on any of their parts that this identity inherently prevented them from committing such violence. Regardless, their use of such defences in *gacaca* shows that these women believed that a story of motherhood being incompatible with killing would help them to achieve an acquittal in this justice system. Their acquittals meant that, although the possibility of these women being killers had been discussed in their trials, the judges authorised these lines of defence. Beyond the regime's presentation of women as 'moral mothers' at genocide memorials, these verdicts constituted a state-

[544] Ibid., p. 20.
[545] Ibid., p. 22.
[546] Ibid., p. 25.

generated societal 'truth' that sane and ordinary mothers were not capable of wanting their children to die, and so had not taken part in these genocide killings.[547]

Assumed subservience to male heads of households

Cilla was not the only woman to invoke her lack of domestic power as part of her defence. Other accused women aimed to use the assumption of their subservience to their male heads of households to deny their agency in the perpetration of genocide violence. As discussed in *Chapter 4*, in Rwanda at the time of the genocide, men were the legal heads of households, with women only taking on this role when their husbands died. Married women were not able to control household resources, own land, or take on economic work without their husbands' consent. The reports provide examples of accused women drawing on this assumed female position within the household to argue that they did not have authority over what took place inside their home, and therefore had no power over or responsibility for any crimes that took place there.

When on trial in *gacaca*, Agnès found that claiming to have been subservient to her male head of household allowed her to remain silent about her alleged involvement in genocide events. She stood before an appeals court in April 2005, appealing her cell-court conviction for the crimes of refusing to testify about her knowledge of genocide events, and intimidating witnesses. The observer recorded that

> *Invitée à réagir sur ces allégations, elle affirme qu'elles sont fausses et sans fondement, parce que pendant le génocide, son mari n'était pas à la maison.*
> [Invited to react to these allegations, she affirms that they are false and unfounded, because during the genocide, her husband was not at home.]

In this defence statement to the judges, Agnès presented the story that she could not have committed genocide crimes without the presence of her husband in their home and his consent. Her story was supported by a defence witness, who said that she was taking refuge in Agnès' house during the genocide. This witness did not testify that Agnès did not kill; she only confirmed that Agnès' husband was away, having left at Easter for his parents' house, and that the couple was only reunited after the killings.[548] Together, these testimonies presented a story

[547] For 'moral mothers' at memorials, see: Selimovic, 'Gender', p. 132.
[548] ASF, 'Ville de Kigali: avril / 2005', p. 6.

that Agnès was a good and 'traditional' Rwandan wife who stayed at home, and who could not have had either involvement in the genocide or knowledge about genocide events because her husband had not been present to facilitate her involvement. No other witness testimonies were presented and the bench acquitted Agnès.[549] It cannot be known for certain that the argument in these testimonies was what convinced the judges to find Agnès not guilty. However, in delivering a verdict that followed this argument in a court where no other argumentation was presented, the judges generated a court record, and a state-authorised narrative, that this gendered story meant that Agnès was innocent of genocide.

It is also significant to note that Agnès was one of the women who aimed to use silence as a strategy in *gacaca*, but that this silence was only wholly successful when it was employed in conjunction with her subservience defence. It is unknown precisely how she acted and testified in her initial cell-court trial since an *ASF* observer was not present. Yet, the allegation against her of witness intimidation suggests that she knew the value of controlling what other participants said, or did not say, in court. Meanwhile, her initial conviction for both this charge and for refusal to testify implies that her alleged attempts to avoid the generation of testimony about certain events in the cell court were not successful. In comparison, by focussing her appeals-court defence on the charge of refusal to testify about her knowledge of genocide events, Agnès was able to steer the *gacaca* debate away from the accusation of witness intimidation. No evidence was generated about this allegation, and it was not included in the bench's judgement. Agnès' trials had a complex relationship with the strategy of silence. Her initial conviction, and this appeals trial to challenge it, were both centred around whether she knew information about her involvement in genocide events that she was concealing, and how she allegedly attempted to conceal that information. Ultimately, her most clearly successful way of defending herself in this appeals court was by claiming that her husband's absence meant that she could not possibly have been involved in, or had knowledge of, genocide events. This gendered spoken defence facilitated her silence as it allowed her to withhold successfully any self-implicating knowledge, in a way that she was unable to in the cell court that punished her for not testifying.

Béatrice also relied upon her assumed subservience to her male head of household in her defence, but unlike Agnès, her story of innocence relied upon the presence of her head of household, not his absence. Béatrice told a story that decisions taken about Tutsis hiding in her house during the genocide were made by her father, not her. She was detained in prison as a

[549] Ibid., p. 7.

suspected perpetrator in January 1995, before appearing in *gacaca* in August 2005 accused of complicity in the killing of two Tutsis: an adult and that adult's child.[550] Béatrice pleaded not guilty, and the observer recorded that in her defence statement

> *Elle fait savoir que les victimes sont bien venues chez elle et que ses parents les ont fait entrer dans la maison et leur ont montré une cachette. Quelques minutes plus tard, [M] et [P] sont venus et ont menacé son père de tuer toute sa famille avec une grenade s'il ne leur livrait pas les Tutsi qui se cachaient dans sa maison. Pris de panique, son père leur a montré la cachette des victimes et ils les ont emportées pour les tuer.*
>
> [She makes it known that the victims did indeed come to her house and that her parents took them into the house and showed them a hiding place. Some minutes later, M and P came and threatened her father that they would kill all his family with a grenade if he did not hand over to them the Tutsis who were hiding in his house. Panic-stricken, her father showed them the victims' hiding place and they took them away to kill them.][551]

By telling this story, Béatrice chose to emphasise the agency of her parents in this genocide event. She argued that it was her parents who took the decision to allow the Tutsis into the house and showed them where they could hide, removing herself even from this alleged act of rescuing. Above all, Béatrice argued that it was her father who acted – if only under duress – to reveal the victims' hiding place and contribute to their eventual deaths. She said that it was to her father that the attackers spoke, presenting a story that these attackers addressed the head of the household by threatening the family he supposedly protected. In her story, she herself took no action, and had no responsibility over either the house being a hiding place or the victims being given to the attackers. Instead, she argued that the house in which she lived was a location where her parents, but most of all her father, had authority. Nobody present in court challenged this story. The judges appeared to be prepared to accept this version of events, as they did not question Béatrice about whether she took any action on this day of violence, and the only witness who spoke said that she was hiding and so had no knowledge of these events. Béatrice was found not guilty.[552] The court thereby authorised her story that her father was responsible for decisions about what occurred inside their house, while she was simply a passive observer to this genocide killing.

[550] ASF, 'Observation des juridictions gacaca: province de Kigali Ville: août 2005', *Unpublished monthly review* (2005), p. 12.
[551] Ibid., pp. 12-13.
[552] Ibid., p. 13.

Agnès and Béatrice provide examples of women using their assumed female roles within the household to argue before *gacaca* that they were deferential to their male head of household's agency and decision-making. Agnès contended that without her husband's presence in their home, she could not possibly have taken part in genocide events, and used this defence to avoid revealing information that might implicate her in the genocide. Béatrice argued that decisions about what happened within her home, including to hiding Tutsis, were taken by her father, relying on his presence to absolve her of responsibility in this violence. This defence was similar to the story that Cilla told during her trial of being powerless while her father and brother decided where her children should hide and whether they should be given over to attackers. In finding these women not guilty, the courts accepted two contrary, but ultimately compatible, points stemming from the belief of women's subservience to their male heads of households: that Rwandan women could not take decisions without their husband or father, but that when women were with these men, they had to obey them. In addition to the regime's depictions of passive women at genocide memorials, these cases' verdicts generated state 'truths' that Rwandan women's subservience to their male heads of households absolved them of genocide culpability.

Women's choices to use gendered defences of motherhood and assumed domestic subservience took advantage of pre-existing ideas in Rwanda about female peacefulness, agency, and domestic roles. Women did not employ such spoken defences in isolation. Rather, they often used them in conjunction with strategies such as silence and knowledge of *gacaca*'s appeals process. Women also drew upon the willingness of other participants – including their male relatives – to speak on their behalf and confirm their stories. The reports show that gendered defences were especially powerful, though. It is particularly notable how, in the case of Agnès, this decision to speak about her domestic subservience was seemingly so believable and powerful that it enabled her to remain silent and withhold potentially self-implicating information, when her previous alleged silence had led to her receiving a prison sentence for refusal to testify.

The *gacaca* process undoubtedly forced communities to discuss the possibility of women's – including mothers' and wives' – violence for those women who were accused. Yet, the success of these gendered defences shows not only that the post-genocide justice process was impacted by these gendered assumptions, but also that *gacaca* was an institution that generated new state-authorised 'truths' of ordinary female roles being incompatible with genocide violence. Furthermore, it was accused women themselves whose public voices

instigated these narratives of women's lack of agency and inherent peacefulness through their spoken testimonies.

Rationalising women's violence

Arguments for women's peacefulness and inability to commit genocide did not just come from women in their own stories, but also from other participants in their trials. Witness statements and judges' verdicts show the emergence during some women's trials of a disbelief that women could want to commit genocide. As well as those who denied women's participation, other witnesses and audience members spoke to try to rationalise women's violence by providing other, 'non-genocidal', explanations for their violent actions. These participants acknowledged women's violence, but presented women as acting violently in isolated, personal, and understandable incidents related to intermarital problems, or to existing 'witchcraft' practices, rather than acting violently as a result of 'genocide ideology'. In turn, some women also learned that providing rational, 'non-genocidal', reasons for having acted in seemingly violent ways during the genocide could help them to defend themselves in environments where other participants were motivated to explain away women's violent actions. In the wider context of the regime's narrative that the genocide was perpetrated by ordinary Hutu civilians who were motivated by 'genocide ideology' against the Tutsi ethnic group, these attempts to explain and rationalise women's violence – from witnesses, judges, and women themselves – exposed pre-existing ideas about Rwandan women's psychologies and violent actions. In turn, the acceptance of these stories in judges' verdicts turned them into a state-generated 'truth' that ordinary Rwandan women were not capable of thinking and acting with 'genocidal' intent.

The trial of Gladys was first considered in *Chapter 3*. She initially spoke as a witness during her husband's trial in a way that implicated her father-in-law, by saying that two victims left her house alive and went to her father-in-law's house before being killed.[553] Her father-in-law accused her of lying, and a week later she appeared before the same court to defend herself against the charge of false testimony.[554] As discussed in *Chapter 3*, the power dynamics of male-female family relations ran throughout this trial. Her father-in-law's allegations about her testimonies were instrumental in leading to Gladys being charged and later found guilty. Yet, analysing this trial in light of *gacaca* debates about whether ordinary Rwandan women could

[553] ASF, 'Ville de Kigali: juin 2005', p. 28.
[554] Ibid., pp. 28, 38.

have harboured 'genocidal' intent also shows that this guilty verdict came after discussions not just about whether Gladys had committed genocide, but why it was that this woman – and wife – acted in such a violent manner.

When describing the contested events in question during her defence testimony, Gladys said that her father-in-law came to her house and told her husband that an attack group had gone to the house of the Harelimana family. Gladys said that the two men left to see what was happening while she stayed at home. She claimed that during the time that the men were out, the victims came to her home briefly, but then left of their own accord to go to her father-in-law's house. She thereby denied any responsibility in their subsequent deaths. Gladys presented herself as a wife left at home, with no active agency in the victims either leaving or being killed. However, her father-in-law contested this narrative – which implicated him as the last known person to have seen the victims before their attack – claiming instead that the victims never came to his house.

The judges' questioning and the wider discussion from witnesses and audience members revolved around the question of whether the victims left Gladys' house out of choice, as she claimed, or whether Gladys made them leave. The court thereby aimed to establish whether Gladys was lying and did in fact act in a violent manner to drive the victims out of their hiding place and lead them to their attackers. During their questioning of Gladys, one judge asked who allegedly drove the victims out of her house, '*puisque personne ne peut sortir de sa cachette sans qu'il y ait quelqu'un qui le chasse*' [since nobody could leave their hiding-place without there being someone who is driving them out]. Another judge said that it was

> *incompréhensible que les victimes soient sorties d'elles-mêmes, d'autant plus que leur famille était proche de celle où elles s'étaient cachées, que donc il est possible que ce soit l'accusée qui les a chassé.* [incomprehensible that the victims left of their own accord, especially since their family was close to that where they were hiding, that therefore it is possible that it was the accused who drove them out.][555]

Through these debates, members of the bench began to form a narrative that Gladys must have driven the Tutsis out since it was unrealistic for them to have wanted to leave the place where they were hiding safely from the violence of genocide.

Significantly, however, what emerged during this court discussion was not just the question of whether Gladys drove the victims out, but also of what could have motivated her

[555] Ibid., p. 39.

to have done so. One participant in particular, a judge, aimed to lay claim to Gladys' motivation for this violent act. The observer recorded that

> *Un juge déclare que lors de la collecte d'informations, [F] avait déclaré qu'elle s'était réfugiée chez l'accusée et que cette dernière l'avait chassée malgré l'opposition de son mari ; que l'accusée avait insisté en disant qu'elle ne pouvait pas vivre avec une autre femme dans sa maison.*
> [A judge declares that during the information collection session, F had declared that she was taking refuge at the accused's home and that the accused had driven her out despite the opposition of her husband; that the accused had insisted by saying that she could not live with another woman in her home.]

With the authority of a person who held a position of court power, this judge recalled what another witness said in the initial cell-court trial phase and affirmed their explanation for why Gladys committed this violent act. He presented a story that Gladys acted against her husband's wishes and drove the victims out because she was emotionally unable to cope with a female rival for her husband's affection in her house.

Ultimately, the bench accepted the story that Gladys had given false testimony related to the victims leaving her house and their subsequent deaths, and it convicted her to three months' imprisonment.[556] By implication, the bench accepted, and authorised, the narrative that emerged during the trial that she did indeed chase the victims out of her house because she could not live with another woman in her home. This verdict raises questions about the moral judgement that the court gave to Gladys' actions during the genocide. Firstly, the court judged that, unlike other women already discussed, Gladys was capable of exerting a certain type of agency within her home against her husband's wishes. Secondly, Gladys was convicted of false testimony, meaning the court only sanctioned her for lying. The court did not sanction her for the action about which they determined she had lied: driving the victims out of their hiding place. Nor did the bench in this trial determine that she should be tried separately for these alleged actions, implying that the judges thought it was not a genocide crime worth being investigated in *gacaca*. The motivations for such a judgement unfortunately cannot be known for certain from court-report evidence alone. Nevertheless, the judgement raises the question of whether the court rationalised and explained away her actions such that they were no longer deemed 'genocidal'. The court made a moral judgement that, rather than committing this act out of 'genocidal' intent against the victims due to their Tutsi ethnicity, Gladys was a wife who

[556] Ibid., p. 40.

acted out of jealousy and without her husband's consent to drive a female rival out of her marital home.

Gladys was not the only woman whose alleged actions during the genocide were explained by court testifiers as having been motivated by jealousy. Grace appeared freely before a *gacaca* court in Kibuye in November 2006, accused of alerting the assailants who killed Madeleine. The president indicated that the trial had started the week before, but that Pascal, the civil party and brother of the victim, had not been present.[557] Pascal was Grace's accuser, and also the main testifier who put forward the narrative that her violent actions were due to jealousy towards another woman in her home.

The secretary read from the judges' report of the previous session, in which Grace had pleaded not guilty. The report indicated that Grace had testified that two Tutsis took refuge in her home, but that two attackers came in search of them and took Madeleine.[558]

In the observed trial session, Pascal was the first testifier invited to speak. He told a different story from Grace, and testified that Grace's husband hid Madeleine

> *pour en faire sa femme, et il lui apportait de la viande à préparer. Etant donné que l'accusée n'était plus nourrie par son mari, elle est allée alerter des assaillants qui ont emmené les victimes.*
> [to make her his wife, and he brought her meat to prepare. Given that the accused was no longer being provided for by her husband, she went to alert the assailants who took the victims away.][559]

As with those who tried to rationalise Gladys' actions, Pascal argued that Grace acted violently towards his sister because Madeleine constituted a rival to Grace's position as a wife. Pascal might have been relaying the version of these events as he understood them, or he might have told this story in a way that he thought would make Grace's violent actions believable to the judges. Regardless of his intentions, his decision to present this narrative of Grace as a jealous wife speaks to a desire, even from an accuser, to provide a more understandable and palatable explanation for this woman's violence than a will to commit genocide.

The report provides evidence that this narrative of Grace as a jealous wife divided the opinions of other women present in the court. Some women seemingly believed this explanation and spoke to confirm its existence. One woman testified as a witness to say that while she did not know anything about the circumstances of Madeleine's death, '*l'accusée lui*

[557] ASF, 'Observation des juridictions gacaca: province de l'ouest: ancienne province de Kibuye: novembre 2006', *Unpublished monthly review* (2006), pp. 7-8.
[558] Ibid., p. 7.
[559] Ibid., p. 8.

a dit un jour qu'il y avait chez elle une fille et qu'elle craignait qu'elle ne devienne sa rivale.' [the accused told her one day that there was a girl at her house and that she feared her becoming her rival.] Another woman had testified in the previous session that '*quand elle se trouvait au Congo, elle a appris que [Grace] a comploté contre [Madeleine] parce que celle-ci était devenu sa rivale.*' [when she was in the Congo, she learned that Grace plotted against Madeleine because Madeleine had become her rival.][560] Through their testimonies, these two women contributed to the narrative that Grace was a jealous wife who alerted assailants to Madeleine's presence in an attempt to rid her home of the woman who had become a rival for her husband's affection.

In comparison, the observer recorded that women in the audience vocally contested the narrative of marital jealousy when it was repeated by Pascal later in the trial. When responding to testimony given by Grace's husband, the observer made the following notes about Pascal's words and the reaction to them:

> *« De plus, ajoute-t-il, sous les contestations des femmes de l'assistance, toutes les femmes qui sont ici peuvent bien certifier que l'accusée n'aurait pu ne pas éprouver un sentiment de jalousie dès lors que son mari avait deux filles sous son toit.*
> ['In addition', he adds, against the protests of the women in the audience, 'all the women who are here can indeed certify that the accused could not have avoided experiencing a feeling of jealousy from the moment that her husband had two girls under his roof.']][561]

Pascal used his rhetoric here to appeal to the idea of a general 'truth' that it was an inevitable female reaction to become jealous of a woman taking refuge in the marital home, and that Grace's violent actions were an outcome of this unavoidable jealousy. However, the '*contestations des femmes de l'assistance*' [protests of the women in the audience] show that at least some women in court were vocal in their disagreement with Pascal's generalisation of women's mentalities.

In fact, it is useful to consider the power of this vocal support for Grace in contesting this narrative about her jealousy, both from women in the audience and from other testifiers. Several witnesses spoke on her behalf to refute her involvement in this act of violence: most prominently, her husband. He argued that his wife acted to hide Madeleine for a long time, and that this action did not correspond with the act of alerting the assailants to Madeleine's

[560] Ibid., p. 9.
[561] Ibid., p. 19.

presence.[562] As well as these individual witnesses who spoke on her behalf, the observer recorded that the *gacaca* audience applauded when Grace was acquitted.[563] This vocal support from the audience bore resemblance to the self-proclaimed 'support group' of priests and nuns during the trial of Sisters Elisabeth and Monique. This support from witnesses and members of the audience highlights the power of social capital and relations in *gacaca;* aspects of trials that often remained invisible in the reports.

Grace's acquittal meant that the narrative of her as a jealous wife who acted violently to drive a female rival out of her family home did not become the state-generated 'truth' of events. Nevertheless, throughout her trial, this aspect of her mentality was the subject of debate; the court did not debate whether she acted out of 'genocide ideology' or the desire to participate in the extermination of the Tutsi ethnic group. Grace's accuser, as well as several witnesses, instead presented and debated this event as a feud between a wife and her rival, rather than between a Hutu and a Tutsi. Her accuser even put forward the narrative that any wife hiding a woman in her home – whether during the genocide or at any other time – would have been overcome by such jealousy, and that Grace's actions were therefore the result of an inevitable female mentality. Grace was thereby judged according to whether she was a jealous and violent wife, rather than whether she was a *génocidaire*.

Trial participants did not solely attempt to rationalise and understand women's violent actions by claiming that they stemmed from intermarital jealousy. One woman in the report set was accused of being a *sorcière* [sorcerer; witch] during her trial, with the implication that her actions during the genocide were explainable by her extraordinary powers and practices.

Catherine was detained on suspicion of genocide in 1996, before being released on bail in 2003 due to her old age. She was over seventy years old when she appeared before a *gacaca* court in April 2005, during the institution's pilot phase. Catherine's trial had started the week previously – when the observer had not been present – and she was accused of preparing food for the *Interahamwe* as well as killing Alexis.[564] She had submitted a confession and guilty plea in the previous hearing, but only admitted to preparing food for the *Interahamwe*. She denied the charge of killing Alexis.[565]

Multiple witnesses testified against Catherine. Two women said that they saw Catherine holding Alexis by the throat, and one of them added that Catherine was part of the group that

[562] Ibid., p. 18.
[563] Ibid., p. 21.
[564] ASF, 'Observation des juridictions gacaca: province de Butare: avril 2005', *Unpublished monthly review* (2005), pp. 2-3.
[565] Ibid., pp. 3-4.

attacked Alexis. After these women had spoken, one sitting female judge made an unusual intervention and spoke as though in the capacity of a witness. The observer recorded that she

> *prend la parole pour dire que l'accusée était par ailleurs une sorcière bien connue dans tout le Secteur ; que la fosse où étaient jetés les corps des victimes au cours du Génocide et l'abattoir des vaches volés se trouvaient près de sa maison.*
> [speaks to say that the accused was also a witch who was well known across all the sector; that the grave where the victims' bodies were thrown during the Genocide and the abattoir of stolen cows were near to her house.][566]

With the authority of someone who held a position of court power, this woman accused Catherine of being a *sorcière*. Catherine denied these allegations, arguing that those who spoke against her did so because they had longstanding conflicts with her.[567]

The exact original term that this woman used to describe Catherine unfortunately remains unknown, limiting an understanding of the precise nature of this accusation against Catherine. *Sorcière* can be translated into English as either 'witch' or 'sorcerer'. However, since the French word is itself in translation from the original Kinyarwanda term used, it cannot be known from this report whether such a general term was used, or a term more specific to Rwanda. Furthermore, very little research has been conducted on Rwandan occult practices and beliefs. From his ethnography of a community in eastern Rwanda, Gravel (1968) contends that people were concerned about the power of witches, who were said to be able to cause harm by speaking evil words.[568] Geraghty (2020) contends that witchcraft accusations were often made between women who were related by marriage.[569] Other than these limited remarks, it is unknown how practices and accusations of witchcraft manifested in Rwandan society, particularly around the time of the genocide. It is therefore hard to say with any degree of certainty the precise form of occult practitioner that Catherine was accused of being.

Nevertheless, some broad, general, statements about this accusation against Catherine can be made. Occult and witchcraft beliefs, rumours, and accusations have been, and remain, common across many African countries. With the caveat that broad statements about 'witchcraft', 'sorcery', and 'the occult' in Africa generalise and decontextualise the specificities of local societies and belief systems, the scholarship on these practices in African

[566] Ibid., p. 4.
[567] Ibid., p. 5.
[568] Pierre Bettez Gravel, *Remera: A Community in Eastern Rwanda* (The Hague, 1968), p. 146.
[569] Geraghty, 'Gacaca', p. 606.

countries permits some understanding of this courtroom accusation. In general, 'witchcraft', and similar terms, have been used in African countries to describe malicious practices of interpersonal violence, carried out secretly and by means of unobservable powers.[570] These practices are often believed to have been carried out against those within the same family, social network, or community, rather than between strangers.[571] Women, especially older women, have been the most common target of such accusations across many societies, both within Africa and in Europe.[572] Although evidence for the precise nature of the accusation against Catherine is limited, it can be inferred from this broader scholarship as well as the limited scholarship on occult practices in Rwanda that, in Catherine's everyday life and away from the genocide, the judge argued that she used invisible, covert, and extraordinary forces to inflict harm upon others in her community.

More significantly in terms of this analysis, this wider scholarship on the nature of witchcraft allows a consideration of the role that this accusation played in Catherine's *gacaca* trial. It cannot be known from the report alone whether this accusation reflected a genuine belief on the part of the judge that Catherine was a *sorcière*, or whether she simply said it to serve a purpose and attempt to achieve her desired trial outcome. Nor can it be known whether Catherine was indeed involved in occult practices. Regardless, this accusation served to provide an explanation for Catherine's alleged violence during the genocide. Witchcraft accusations have been theorised in the broader literature on occult practices in Africa as ways for people to make sense of a variety of political, social, and economic phenomena, including globalisation and changing economic realities; sudden deaths and losses; poverty, inequalities, and changing personal fortunes; and the dangers that can come from close, intimate, personal relations.[573] In this wider context, as well as the immediate context of the desire from many in

[570] Adam Ashforth, 'Witchcraft', in Guarav Desai and Adeline Masquelier (eds.), *Critical Terms for the Study of Africa* (Chicago, 2018), p. 365.
[571] Adam Ashforth, 'On living in a world with witches: everyday epistemology and spiritual insecurity in a modern African city (Soweto)', in Henrietta L. Moore and Todd Sanders, *Magical Interpretations, Material Realities: Modernity, Witchcraft and the Occult in Postcolonial Africa* (London, 2001), p. 215; Peter Geschiere, *Witchcraft, Intimacy & Trust: Africa in Comparison* (Chicago, IL, 2013), p. 16.
[572] Ashforth, 'On living', p. 216; Jim Sharpe, 'Women, witchcraft and the legal process', in Jennifer Kermode and Garthine Walker (eds.), *Women, Crime and the Courts in Early Modern England* (London, 1994), p. 121; Alison Rowlands, 'Witchcraft and old women in early modern Germany', *Past & Present*, 173 (2001), p. 50; Laura Kounine, 'The gendering of witchcraft: defence strategies of men and women in German witchcraft trials', *German History*, 31:3 (2013), p. 307; Friday A. Eboiyehi, 'Convicted without evidence: elderly women and witchcraft accusations in contemporary Nigeria', *Journal of International Women's Studies*, 18:4 (2017), p. 251.
[573] Henrietta L. Moore and Todd Sanders, 'Magical interpretations and material realities: an introduction', in Todd and Sanders (eds.), *Magical Interpretations*, p. 9; Geschiere, *Witchcraft*, pp. 23, 68, 206; Izak Niehaus, 'Witches and zombies of the South African lowveld: discourse, accusations and subjective reality', *The Journal of the Royal Anthropological Institute*, 11:2 (2005), pp. 200-6; Ashforth, 'Witchcraft', p. 365.

gacaca to rationalise women's violent actions during the genocide, the judge's witchcraft accusation can be understood as a way for her – and the court – to make sense of Catherine's violence. In the judge's narrative, Catherine's violence during the genocide did not come from an ordinary woman, nor did it come from a desire to commit genocide against the Tutsi ethnic group. Instead, her violence was understood as being performed by an extraordinary woman who possessed malicious and covert powers in her everyday life, and Catherine's desire to commit violence during the genocide was presented as an extension of these malicious, but originally 'non-genocidal', occult practices.

After their deliberations, the judges rejected Catherine's confession and guilty plea. They found her guilty of complicity with killers and sentenced her to twenty-five years' imprisonment, which was reduced to seventeen years due to time served.[574] In this verdict, they rejected Catherine's story that she only served food to the *Interahamwe,* and that any accusations against her about Alexis' death were due to pre-existing conflicts. Instead, the bench legitimised the narrative generated during the trial that Catherine was involved in Alexis' death. By extension, the bench also legitimised the sitting judge's explanation that Catherine's involvement in violence during the genocide was not due to 'genocide ideology', but rather that it was an extension of her existing occult practices.

The emergence of these narratives in *gacaca* shows that, even in court spaces where women's violence was recognised by many to have occurred, court participants struggled to accept that ordinary women could be motivated by a will to commit genocide against the Tutsi ethnic group. They preferred instead to believe that women's violent actions stemmed from interpersonal and domestic conflicts, or from their pre-existing occult powers. There is, of course, a tension between the narrative that violent women were jealous wives, and the narrative created in courts where women successfully emphasised their female domestic role: this second narrative deemed that women overcome by jealousy were capable of exerting a certain type of agency in their homes without their husbands' consent. These courts subsequently punished women for exerting this domestic power. Ultimately, within *gacaca,* this narrative meant that courts debated and judged whether women were jealous and violent wives, or extraordinary *sorcières,* above whether they were ordinary women who had harboured 'genocide ideology' and become genocide perpetrators. Verdicts from these trials had wider societal consequences as these 'non-genocidal' reasons for women's violence, and

[574] ASF, 'Butare: avril 2005', p. 11.

most importantly women's identities as jealous wives and *sorcières* rather than genocide perpetrators, became the state-generated 'truth'.

Through their stories of innocence, some accused women played fundamental roles in the generation of these state-authorised 'truth' narratives of ordinary women's peacefulness, passivity, and inability to have a will to commit genocide. Other women in *gacaca*, in their capacities as judges, witnesses, and audience members, also played roles in creating these narratives. These women's trials additionally highlight the importance of accused women's social relations, especially in terms of who the actors were who spoke for and against women in their trials. Most prominently, where judges made interventions to speak in the capacity of witnesses – as was the case in the trials of Gladys and Catherine – their narratives were commonly authorised by the bench's final verdict. In particular, the accusation made by the judge in Catherine's trial likely held particular weight since she was a sitting judge who was involved in determining Catherine's culpability. Additionally, where women had the vocal support of their male family members – as was the case with Cilla and Grace – or a loud and supportive group in the audience – as was the case with Grace and Sisters Monique and Elisabeth – the bench commonly authorised their defence stories.

Women rationalising their own actions

Additionally, the report evidence suggests that some accused women learned from, and attempted to use, this desire to rationalise and explain away their violent actions. These women provided other, 'non-genocidal', reasons for why they acted in certain ways during the genocide. In reaction to the common charge that they cried out to alert attackers to hiding Tutsis, the report set provides two prominent examples of women who admitted that they cried out but who argued that it was not with the intention of causing harm to the victim. A further woman accepted that she withheld treatment from injured Tutsis in her capacity as a medical professional, but contended that this withholding of treatment was medically the best course of action under the circumstances. These women presented stories that, although their actions had been interpreted by those accusing them as being violent, they were not actually violent in intention. This strategy was not always successful. It carried an inherent level of risk since it involved admitting to the action of which these women were accused. The report evidence suggests that this strategy was more successful where these women had social capital, and where their explanations were supported by other participants.

Damarce appeared freely in a court in Kigali-Ngali in June 2007. She was accused of alerting the assailants who killed Gabriel.[575] The accusations of alerting assailants, or of crying out to alert assailants, were common charges that women in the report set faced in *gacaca*. Damarce pleaded not guilty and maintained that she did not have any responsibility for Gabriel's death. In her defence testimony, she stated that

> *J'étais au champ entrain de déterrer les patates douces lorsqu'une personne est passée à côté de moi à toute allure. J'ai pu me rendre compte qu'il s'agissait de [Gabriel]. Voyant qu'il ne réapparaissait pas, je l'ai appelé une première fois par son nom mais il n'a pas répondu, je l'ai appelé la seconde fois et il s'est tu encore.*
>
> [I was in the field digging up the sweet potatoes when a person went past me at full speed. I was able to realise that it was Gabriel. Seeing that he did not reappear, I called him a first time by his name but he did not respond, I called him the second time and he was silent again.]

Damarce then said that it was at this moment when she saw the group of assailants arrive. She claimed that they asked her if she had seen somebody, but that she said she had not. She said that they continued searching and found Gabriel. In this story, Damarce was not denying the fundamental action of which she was accused: calling out in relation to Gabriel. However, she denied that there was any malicious or 'genocidal' intent behind this action. Instead, she provided a 'non-genocidal', rational, explanation for this action: that she called out to Gabriel simply because he ran past her, and did so before the attackers arrived on scene. Damarce thereby maintained that her actions were neither 'genocidal', nor did they contribute to Gabriel's death.

One witness spoke in support of Damarce's testimony. She testified that she saw Damarce shortly after this event. This witness stated that Damarce said that the victim had just passed her, and that Damarce said she had called him but he had not responded.

Yet, the narrative presented by Damarce and this witness was not accepted without question. One person pointed out that, according to this witness, Damarce said that the assailants arrived at almost the same time as the victim, and they questioned how Damarce could have had the time to call Gabriel twice before the assailants arrived. Additionally, one person in the audience spoke to say that Damarce's testimony was false. They claimed that Damarce only started to call out to the victim once the assailants arrived. Their story was that when Damarce did not receive a response, she told the attackers that the victim would not be

[575] ASF, 'Observations des juridictions gacaca: province du Sud: (ex-province de Gitarama): et province du Nord: (ex-province de Kigali-Ngali): juin 2007', *Unpublished monthly review* (2007), p. 5.

far away, and that they should concentrate their search in the area. According to this audience member, it was with this information that the killing group found Gabriel.[576]

Two competing narratives thereby emerged during this trial. Both versions of events accepted that Damarce called out but claimed that it was for differing motivations. The bench had to decide whether Damarce wanted to alert the attackers to Gabriel's presence in the field, or whether she called out innocently because he had run past her. When telling her story of genocide in *gacaca,* Damarce took the decision not to deny this event or her agency in it entirely. Instead, she tried to provide a 'non-genocidal' explanation as to why she called out. Her reasoning for choosing this strategy remains unknown. It cannot be declared with any certainty whether her story of innocence was reflective of her reality; whether her strategy was related to there being witnesses who would testify to her calling out and therefore it being hard to deny this action; or whether this strategy reflected a knowledge that participants in *gacaca* were often willing to provide, and accept, 'non-genocidal' explanations for women's actions during the genocide. Ultimately, the bench made the decision to authorise Damarce's version of events. She was acquitted, meaning that this *gacaca* court gave a state 'truth' to her narrative that, although she called out, it was not a 'genocidal' action.[577]

Sylvine was also tried in Kigali-Ngali in June 2007, but in a different sector court from Damarce. She appeared on trial in the same court session as Sisters Monique and Elisabeth, and was also a religious sister. She was accused of driving out the victim Mariam and alerting soldiers who were in the area to Mariam's presence. She was also accused of indicating the hiding place of another victim and handing him over to an *Interahamwe* soldier, although Sylvine's trial focussed on the first charge.[578] Sylvine's trial centred around two competing stories of why she cried out upon finding the hiding victim Mariam. Although she was ultimately unsuccessful in her defence, she provides a further example of a woman attempting to rationalise and explain away her allegedly 'genocidal' actions.

Upon being called to speak, Sylvine said that she recognised the charges against her and would present her apologies to the victim, framing her statement as a guilty plea and confession. However, although she admitted to the occurrence of her alleged act – crying out upon finding Mariam – she went on to defend and justify her actions, giving the following statement:

[576] Ibid., p. 6.
[577] Ibid., p. 11.
[578] Ibid., p. 18.

> *Je n'avais pas l'intention de débusquer [Mariam] car je ne savais pas qu'elle se cachait dans la cage à lapins. Je m'y suis rendue pour voir si les lapins se portaient bien et j'ai été surprise d'y trouver quelqu'un. Il est vrai que je me suis exclamée par surprise mais personne n'était pas aux alentours. Si les militaires sont parvenus à mettre la main sur elle, ce n'était pas à cause de mes cris, car je l'ai laissée dans la cage où elle avait cherché refuge.*
> [I did not have the intention of driving out Mariam because I did not know that she was hiding in the rabbit hutch. I went there to see if the rabbits were well and I was surprised to find someone there. It is true that I exclaimed in surprise but nobody was in the area. If the soldiers managed to lay their hands on her, it was not because of my cries, because I left her in the hutch where she had sought refuge.][579]

Like Damarce, Sylvine did not deny that she cried out. She was clear that she did, but she aimed to present an innocent reason for doing so. Furthermore, she argued that even though she made a noise in exclamation of Mariam's presence, this noise did not alert the assailants, and she left Mariam hiding safely in the hutch.

However, Mariam spoke next to present a different version of this event. She testified that she was hiding in the hutch when

> *Un jour, [Sylvine] y est arrivée et a commencé à s'exclamer qu'il devait y avoir une personne dans les parages. Elle a directement ouvert la porte et s'est écriée qu'elle venait de découvrir un "inyenzi".*
> [One day, Sylvine came there and started to exclaim that there must be a person in the vicinity. She opened the door immediately and cried out that she had just discovered an "*inyenzi*".]

Mariam continued by saying that she came out of the hutch and got on her knees to ask Sylvine not to alert the assailants, '*mais elle a continué à crier très fort*' [but she continued to cry out very loudly]. Mariam testified that soldiers who were nearby came running and captured her, and then attacked her. Both testifiers agreed that Sylvine cried out upon finding Mariam in the rabbit hutch, but here Mariam presented an entirely different version of the motivation for Sylvine's cries. The differences in words used in their testimonies to describe Sylvine crying out cannot be analysed in detail, since these are in translation from the original Kinyarwanda words spoken. It is hard to know how much the precise original meanings and distinctions have been maintained in the translated report. Regardless, Mariam's testimony clearly presented Sylvine as a woman who decided to search for Tutsis hiding in that area, and who deliberately shouted out to alert assailants to Mariam's presence. Mariam testified to Sylvine using the derogatory anti-Tutsi term *inyenzi* [cockroach] when finding her, suggesting the presence of

[579] Ibid., pp. 18-19.

anti-Tutsi beliefs and intent. Then, in her description of begging Sylvine not to alert the assailants, Mariam told a story of Sylvine making a deliberate choice to hand her over to her eventual attackers.

Sylvine continued to contest these allegations, responding that '*Il est vrai que je me suis exclamée à haute voix, mais je n'ai pas poussé des cris. Cela était dû à la peur que j'ai éprouvée en découvrant une personne dans la cage à lapins.*' [It is true that I exclaimed out loud, but I did not shout. This was due to the fear that I felt upon discovering a person in the rabbit hutch.][580] Sylvine tried once more to claim that her cries constituted a natural, understandable response to being surprised at finding a person hiding in the rabbit hutch. Her defence called upon the bench to make a judgement about her psychology and implied that, given that her intentions were not to cause Mariam harm, she could not be found guilty of this genocide charge against her.

One witness testified in Sylvine's favour, saying that she cried out '*comme quelqu'un qui avait très peur et c'est ainsi que les militaires sont accourus*' [like somebody who was very afraid and it is in this way that the soldiers came running]. However, several participants spoke against her, including by making further allegations that she refused to treat, and drove away, other Tutsis who came to the medical centre where she was working.[581] Added to Mariam's earlier testimony that Sylvine used the derogatory term *inyenzi* upon finding her, these testifiers further presented Sylvine as someone who had consistently harboured hatred for Tutsis and acted harmfully towards them.

In the end, the bench found Sylvine guilty of the charges against her and sentenced her to fifteen years' imprisonment.[582] Her strategy of attempting to explain away her actions as resulting from an understandable, 'non-genocidal', reaction was unsuccessful. The court instead authorised the narrative of multiple court participants that Sylvine was a woman who chose to participate in the genocide against the Tutsis by crying out to alert attackers to Mariam's presence. Sylvine's trial shows that accused women's attempts to explain away and rationalise their actions were not always successful in these court environments, particularly where witnesses spoke compellingly against the accused and presented evidence relating to their 'genocide ideology'. Nevertheless, Sylvine's choice to attempt this strategy, even if unsuccessful, took place in a context where many *gacaca* participants were willing to rationalise and excuse women's seemingly violent actions. Although Sylvine's motivations for

[580] Ibid., p. 19.
[581] Ibid., pp. 19-21.
[582] Ibid., p. 23.

her defence strategy cannot be known from the report alone, her defence points towards a potential knowledge that in *gacaca*, there was a possibility for accused women to use this wider desire of other participants and attempt to present these 'non-genocidal' explanations for their actions themselves.

Another woman, Patricia, appeared in an appeals court in Umutara in May 2008. She was a medical professional, who had originally been convicted and sentenced to fifteen years' imprisonment for the charges of persecuting the victim Rose in 1990; refusing to suture the wound of Faustin; and refusing to treat, and subsequently driving out, Brenda when she was looking for refuge in the hospital. Patricia had submitted an appeal on the grounds that the accusations against her changed during the course of her trial; that one written witness testimony was rejected; that certain witnesses were not heard; and that she was not notified of the judgement against her.[583] It is unknown how she defended herself in her original sector-court trial since an observer was not present, so no conclusions can be made about how and why she was initially found guilty. However, in this appeals court, her defence relied upon the argument that, while she did withhold medical treatment, this decision was not as a result of 'genocide ideology', but rather because it was medically the best course of action for both patients. Patricia also argued that there was no interpersonal dispute between her and Rose, and therefore no logical reason for her to have persecuted Rose. The report shows that Patricia was able to draw upon both her social standing and her knowledge of *gacaca* procedures in her presentation of this defence.

Patricia did not deny the charge that she did not suture Faustin's wound, but she claimed that this decision was taken as a result of following the best medical practice. In doing so, Patricia argued that there was a rational and innocent explanation for what her accusers had interpreted as an act of 'genocidal' violence. In this trial, she first of all presented a witness testimony from a British doctor, and claimed that the original version of this testimony had been authenticated by the British ambassador. The observer recorded that in this written testimony, the doctor '*affirme que [Faustin] avait une petite blessure sur la main ou sur le bras, si bien qu'il (le témoin) ne jugeait pas nécessaire de suturer cette blessure.*' [affirms that Faustin had a small wound on his hand or on his arm, to the extent that he (the witness) did not judge it necessary to suture this wound.] The doctor's testimony then went on to state that the accused did not have the power to refuse treatment, since this power lay with the hospital

[583] ASF, 'Observation des juridictions gacaca: ex-province d'Umutara: province de l'Est: mai 2008', *Unpublished monthly review* (2008), pp. 4-5.

manager.[584] In gathering and presenting this written testimony, Patricia was able to call upon a man with considerable social standing: a doctor whose word she said had the backing of the British ambassador. She was able to use his authoritative words to present the argument that there was a rational, justifiable, explanation for her not suturing Faustin's wound, which lay in the wound being too small to need this treatment.

Following the reading of this statement, Patricia spoke. She focussed the first part of her testimony on the accusation that she drove Brenda out of the hospital and did not treat her. Patricia claimed that Brenda

> *avait été blessée à la machette lorsqu'elle est arrivée à l'hôpital. J'ai demandé à [G] si on pouvait suturer sa blessure et celle-ci m'a rétorqué que, selon le règlement médical, il est interdit de suturer une blessure qui a dépassé 24 heures. Nous avons seulement pansé sa blessure et elle est partie.*
> [had been wounded by a machete when she arrived at the hospital. I asked G if we could suture her wound and G retorted to me that, according to the medical regulations, it is forbidden to suture a wound that is over 24 hours old. We only dressed her wound and she left.]

Patricia told a story that, similarly to the treatment of Faustin's wound, her decision not to suture Brenda's wound was not motivated by a desire to hurt or commit genocide against a Tutsi person. Instead, she argued that this act was taken with the intention of giving Brenda the most appropriate course of treatment. As with the British doctor's comment that Patricia did not have the authority to refuse to treat Faustin, Patricia argued that the decision about suturing Brenda's wound was not hers to make. She contended that she was following medical guidance, and that she was acting under the authority of another, male, medical professional. Finally, she contended that when Brenda left the hospital, it was not because Patricia drove her out, but simply because her treatment was finished.

Then, in response to a question from the judges about the charge that she persecuted Rose, Patricia testified that Rose was a work colleague of hers. She stated that '*Nous étions en bons termes*' [We were on good terms] and that she helped Rose on one occasion when Rose was ill.[585] By presenting this story that she and Rose had a good relationship and that she had been supportive of Rose, Patricia argued that there was no rational reason for her to have acted violently towards her colleague. In comparison to those women where narratives had emerged that they committed violent actions out of interpersonal and marital conflict, Patricia argued

[584] Ibid., pp. 5-6.
[585] Ibid., p. 6.

that no such relational tension existed between her and the alleged victim, and that therefore it was not possible for her to have committed this act of violence against Rose. These contrary narratives both stemmed from the same rationalising logic about the nature of women's violence. By denying the charge against her in this fashion, Patricia spoke to, and contributed to, the wider narrative being generated in *gacaca* courts that women's violent actions could be explained by interpersonal conflict, and that by extension where this interpersonal conflict did not exist, there could not have been any violence.

Throughout her trial, the report suggests that Patricia's knowledge of the *gacaca* process and her social standing both played an important role in her ability to present a defence. She used her knowledge of *gacaca* law to submit an appeal against her initial accusation. She also used her knowledge of the importance of supportive and authoritative witness testimony to cite several witnesses, as well as to acquire written testimony from two witnesses who could not attend court. In addition to the British doctor, the second witness who submitted a written testimony wrote that she arrived in the operating theatre when the alleged victim Brenda was being treated. She stated that '*Sa blessure ne devait pas être suturée parce qu'elle était infectée.*' [Her wound did not have to be sutured because it was infected.] She then wrote that the medical professionals cleaned the wound, which was standard practice for an infected wound. This written testimony presented a slightly different story from Patricia's, since Patricia emphasised that it was the length of time since Brenda was injured that stopped them from suturing the wound, rather than an infection. Nevertheless, this discrepancy was not identified by the judges or anyone else present in court. Patricia's acquisition of this witness testimony allowed another voice to be presented in support of her core argument that her non-suturing of Brenda's wound was not a 'genocidal' act, but rather was motivated by well-intentioned medical reasoning.

Patricia exercised an unusual degree of power for an accused individual within this court environment, especially over witness testimony. After the second written testimony was read out, a judge asked Patricia which of the hospital employees the bench could question.[586] This was an unusual question that gave Patricia significant control over which witnesses would be heard. The judges also asked her on multiple occasions what they should question witnesses about, and then whether witnesses who testified had said what Patricia wanted them to say. On these occasions, they waited for her approval before moving on to the next witness.[587] During

[586] Ibid., p. 21.
[587] Ibid., pp. 22-3.

the questioning of one witness, Patricia intervened and said that the witness had been called to speak about a different accusation from the one about which the judges were questioning her.[588] In these interventions, Patricia wielded an unusual amount of power and control over witness testimony in this trial. These bold interactions with the judges echo those of Sisters Elisabeth and Monique, in the way that the sisters spoke repeatedly to insist that they would not testify unless specific evidence was presented against them. Patricia's social power was also similar in nature to that of Apolline, a maternity nurse whose trial was discussed in *Chapter 3*. Apolline was able to call upon her relationships with her former colleagues so that they would testify in the way she needed. Even though Patricia was not able to call upon every witness that she wanted, she was able to assemble several witnesses to speak and write on her behalf, most of whom were her former colleagues. Her employment position allowed her to call upon witnesses who had their own social standing within the community, due to being medical professionals and in one instance also having their testimony allegedly authorised by a British political figure. The combination of her knowledge of *gacaca* processes and her social power allowed Patricia to use witnesses to present a forceful defence story that she acted rationally, reasonably, and innocently towards all three alleged victims.

Patricia's defence was successful: her original conviction was overturned and this appeals court found her not guilty.[589] As with other women, the report does not reveal whether or not Patricia's stories of innocence reflected her genuine recounting of events as she experienced them, and it is important to consider that despite the not-guilty verdict there were some contradictions in the stories told in this court about precisely why the victim Brenda was not sutured. Regardless, the evidence points to how Patricia's knowledge of *gacaca* procedures, as well as her status within the community and court, allowed her to present two interconnected denials of the charges against her. Firstly, she was able to argue that there was a reasonable and innocent explanation for her non-treatment of Faustin and Brenda, and secondly, she contended that there was no interpersonal and rational reason why she would have acted violently towards Rose. Both of these arguments presented two seemingly opposing, but actually compatible, points related to an understanding of women's violence: that the apparently violent actions to which she admitted could be explained by rational, 'non-genocidal' reasons; and that for the action she denied, there was no rational, 'non-genocidal' explanation available and so there could not possibly have been an act of violence. In the context of Patricia's social standing,

[588] Ibid., p. 22.
[589] Ibid., p. 33.

confidence in court, and knowledge of *gacaca*'s procedures, her choice to use these lines of defence suggests that she had gained a further form of *gacaca* knowledge: that an accused woman could use court participants' desires to rationalise and explain away women's seemingly violent actions to her advantage, particularly where she had the power to influence witness testimony.

Conclusion: 'truth' narratives of ordinary women's inability to commit genocide

Gacaca did not reveal the 'truth' of genocide events or women's involvement in them. Yet, the RPF claimed that it did, and this political function of the post-genocide justice process meant that the narratives accepted by the courts in their verdicts gained a particular state-authorised 'truth' status, regardless of what had happened in 1994. While the RPF generated and attempted to control its wider narrative of the genocide, local actors in *gacaca* played crucial roles in negotiating and complicating aspects of it. In the space created by both the tension in the RPF's genocide narrative about women, and the RPF's projection of *gacaca* into local communities, local actors – including accused women themselves – were able to act in conjunction with this state institution to negotiate and produce 'truths' of women's involvement in the genocide. These locally generated 'truths' then fed back into, and formed, the evolving national narrative of the genocide, that in turn helped the post-genocide regime to generate power and legitimacy. The cocreation of these 'truths' by local actors and the regime also helped to produce a version of the post-genocide state that acted to deliver justice in local areas, define whether – and which – women posed a threat to the Rwandan population, and determine which women could form a part of their post-genocide communities.

In many respects, the *gacaca* process expanded the boundaries of discussion about women's genocide agency. This agency had largely been ignored in Rwandan society in the decade since the genocide, and *gacaca* courts forced local communities to debate publicly women's capacity for violence for those women who had been accused. This chapter does not claim that no *gacaca* court comprehended that ordinary women were capable of committing genocide. Gendered testimonies and narratives did not explicitly enter all trials, and for many women who were convicted, their guilt was seemingly accepted by the community as well as established in court and state records.

Yet, gendered defences, arguments, and verdicts were a theme across women's *gacaca* trials, and thus contributed to creating at least one of the regime's 'truth' narratives about the

genocide and who its perpetrators were. The content of women's trial reports shows that many women's *gacaca* trials were impacted by ideas about their gender; most notably, the peaceful and passive nature of Rwandan womanhood. Many accused women employed expectations about motherhood, peacefulness, and domestic identities to argue successfully that they were not capable of committing genocide. These narratives of women's inability to act and think with a will to commit genocide also emerged from other court participants, who argued that where women's violent actions had occurred, they resulted from episodes of interpersonal conflict and marital jealousy, or from existing witchcraft practices, rather than from a desire to commit genocide against the Tutsi ethnic minority. These other participants' stories of women's violent agency, especially where they emerged as a result of interventions during women's trials rather than being presented in the charges at the start, show that *gacaca* was a process that exposed wider societal fears about women's violent power. These participants showed a desire to construct rational, understandable, and palatable reasons for women acting violently, rather than confronting the possibility that ordinary women had the power to think and act with a will to commit genocide and other forms of indiscriminate violence. Crucially, telling these stories publicly in *gacaca* gave them a new significance in Rwanda. Where these gendered narratives were accepted by judges in their verdicts, as they often were, *gacaca* courts not only reaffirmed these gendered ideas but also gave them a state-authorised 'truth' status in Rwandan society. Local actors were able to use *gacaca* to debate and determine women's alleged guilt, and to contribute to the 'truth' narrative that ordinary women did not form a part of the RPF's wider narrative of near-total Hutu guilt.

The report evidence also points to some accused women gaining a particular type of knowledge about *gacaca*: that they could deploy these fears of women's violent agency to their advantage when speaking in this public space. Although this strategy was not always successful, as no one type of *gacaca* defence was in the report set, some women were able to rationalise and explain away their own seemingly violent actions. Some did so by presenting these actions as technically having taken place, but as stemming from 'non-genocidal' and perfectly innocent explanations. As was the case with Patricia, some women emphasised that their allegedly violent actions could not have occurred because a rational explanation was not present. These women thereby contributed to the construction of the narrative that women's violence could only result from certain explainable motivations, and that women did not harbour the 'genocidal' intent of the genocide's perpetrators.

Women did not employ gendered stories of innocence in isolation. Some drew upon the strategy of silence, while others also used their knowledge of *gacaca*'s processes and

procedures, including the importance of witness testimony. Like other strategies in *gacaca*, the report evidence shows that gendered defences were most successful when they were used in conjunction with the support of other court participants, especially those with social standing or court authority. This support of others was often tied to the accused woman's own social standing and interpersonal relations, as was most clearly the case in the trial of Patricia. Still, gendered stories of innocence were particularly powerful for accused women in *gacaca* court spaces. As shown by the two women discussed who took their cases to appeal, these stories helped women to achieve acquittals where they had previously been convicted. Although *gacaca* courts expanded the boundaries of discussion about women's violent agency, gendered defences were very often accepted by judges in court spaces where participants struggled to comprehend the possibility of ordinary Rwandan women being perpetrators.

This chapter shows that many women, especially those who were on trial, played an important role in contributing to state-authorised 'truth' narratives of Rwandan women's inability to act and think with a will to commit genocide. This finding adds to the scholarly argument discussed in *Chapter 5* that African women's agency in court systems has been simultaneously 'empowering' for certain individuals whilst sometimes reliant upon the employment of particular gendered narratives. The testimonies of these accused women in *gacaca* expose a tension between individual women's success in using public speech acts to achieve favourable trial outcomes in *gacaca*, and women's involvement in generating state 'truth' narratives of female passivity and subservience. This finding thereby further complicates assumptions present in much of the literature on post-genocide Rwandan women about the link between their public voices and their 'empowerment'.

Chapter 7. Judgements of women's genocide and domestic transgressions

Not all women in *gacaca* were found innocent; *gacaca* courts confronted to at least some extent women's violence during the genocide. This chapter will explore the stories told, and state 'truths' constructed, in *gacaca* about those women whom the courts judged were capable of perpetrating the genocide. It will ask what crimes they were accused of committing, how trial participants comprehended the nature of their perpetration, and how this localised state institution constructed a genocide 'truth' about women perpetrators. It will also consider, as far as the report evidence allows, how and why courts believed certain women to have committed violent acts during the genocide, while disbelieving this possibility for the majority of accused women.

In comparison to those women for whom gendered defences and narratives helped to achieve favourable outcomes in *gacaca*, the report evidence points to heightened stigma in trials towards those women whose actions during the genocide were deemed to have transgressed gendered expectations of female peacefulness and submissiveness, especially in relation to their domestic roles. This chapter will explore how women faced punishment for accusations of exerting power over their male relatives and inciting them to commit violence, and for accusations of having a certain type of powerful knowledge about their male relatives' violent actions. Although the nature of these charges fits with wider research that women often played 'supporting' roles to men in the perpetration of genocide violence rather than participating in attacks and killings themselves, this chapter will argue that these women were not seen by court participants as 'supportive' or secondary actors in this violence, but instead as instigating actors who exerted power over their male relatives.[590] Evidence from court reports of testifiers' words cannot reveal for certain the motivations behind each individual's decision to accuse or judge women for these crimes. Nevertheless, whether individual testifiers' allegations were deliberate or unconscious attempts to punish women for transgressing gender roles; whether they represented testifiers' understandings of how women acted in the perpetration of genocide; or whether they stemmed from other reasons, these allegations all took place in the context of a widespread expectation that virtuous Rwandan

[590] For women playing 'supporting' roles to male genocide actors, see: Hogg, 'Women's participation', p. 70; Jones, 'Gender', p. 84; Hogg and Drumbl, 'Women', p. 189; Nyseth Brehm et al., 'Age, gender', pp. 731-5; Brown, *Gender and Genocide*, p. 95.

women should stay deferential to their male relatives.[591] They also took place in a country where communities often stigmatised women who transgressed gender norms, including the politicians, businesswomen, street hawkers, and sex workers discussed in *Chapter 4*, and the imprisoned suspected *génocidaires* discussed in the introduction. In this context, the evidence suggests that communities and the state judged these women in *gacaca* for two interconnected transgressions that fed into one another: firstly, for genocide violence, and secondly, for transgressing their domestic gender role and identity. It appears that the transgression of their domestic identity made allegations of their genocide violence more believable and understandable. This chapter will argue that court attitudes and stigma towards these women did not sit in opposition to the reluctance to comprehend fully women's capacity for genocide violence. Rather, they fed into and created a state-authorised 'truth' that those women who had displayed a will to commit genocide were gendered anomalies who had deviated from their natural female submissive and peaceful states, and were not 'ordinary women'.

These court debates concerning women's intertwined domestic and violent transgressions also expose a further function of the *gacaca* courts. In these trials, *gacaca* became a political and communal process that made state-sanctioned moral judgements about contemporary Rwandan women's domestic roles and place within the household. As discussed in the previous chapter, when judging women's alleged genocide crimes, many *gacaca* courts debated accused women's ability to exert certain types of domestic agency. Some women successfully argued that they were subservient to their male heads of households and were not responsible for what occurred in their homes. Conversely, other courts accepted and established narratives that jealous wives were successfully able to drive out women taking refuge in their homes, without their husbands' consent. This chapter will build on this analysis and introduce a further dynamic of this debate, demonstrating how some courts sanctioned women for exerting power and control over their male relatives and domestic space. These discussions of women's intertwined genocide and domestic transgressions show most strikingly how *gacaca* made state-sanctioned moral judgements about what should happen to those women who were judged to have exerted unacceptable power in their domestic lives. They also show how *gacaca* produced 'truths' that were not simply versions of a narrative already decided at a national level, but that reflected the intersection between ideas about women's genocide culpability, and local actors' concerns about women's power within the household. In these discussions,

[591] For the expectation that Rwandan women should stay deferential to their male relatives, see: Hogg, 'Women's participation', pp. 71-2; de Lame, 'Changing Rwandan vision', pp. 5-10.

members of local communities called upon, and generated, a state that intervened in the population's intimate concerns and acted to control the behaviour of contemporary women.

Men's reactions to women's perceived post-genocide gains

Gacaca courts did not operate in isolation. Due to their situation within local communities and the involvement of local actors in these courts, they were inherently influenced by wider changes, processes, and concerns in Rwandan society. For a consideration of how *gacaca* courts understood and judged those women they deemed to have committed violence during the genocide, and to have exerted power in their domestic spaces, it is useful to understand the wider context of men's concerns about women's perceived growing power. Existing research identifies that Rwandan men in the post-genocide period perceived that women were enjoying new levels of autonomy, and in some instances believed that women had started to challenge their power. In addition to Rwandan communities' common stigmatisation of women who transgressed gender norms, this context gives insights into how *gacaca* became a space that local community members and the state used not only to judge women's alleged actions during the genocide, but also to make moral statements about contemporary Rwandan women's perceived gendered transgressions.

As well as the increase in political representation and business opportunities explored in *Chapter 4*, changes to the law technically granted women more social and economic rights in the post-genocide period. Laws in 1999 gave women full legal rights to enter paid employment and open bank accounts without male authorisation.[592] In the same year, a law established gender equality in land inheritance and in land ownership where a woman was formally married to her husband.[593] The land policy of 2004 and law of 2005 also had provisions for gender equality in land rights.[594] Additionally, the gender-based violence law of 2009 gave women the right to report gendered violence, including that which they experienced inside the home.[595] The state thereby acted in the post-genocide period to provide women with greater legal rights to own land, earn money, and act to stop their husbands' violence. In each of these areas, these legal rights technically stopped women from being fully dependent upon, or under the control of, their husbands.

[592] Burnet, 'Gender balance', p. 376.
[593] Kagaba, 'Women's experiences', p. 574.
[594] Ibid., p. 574.
[595] Ibid., p. 574.

While some women were able to take advantage of this increase in legal rights in the post-genocide period – mostly those who were Tutsi, urban, and already economically privileged – the majority of women faced significant barriers to exercising these rights. Berry (2018) points to what she describes as men's 'backlash' to women's increasing autonomy and social gains.[596] From family members and local communities, there was resistance to allowing women to own land and have equal inheritance rights.[597] Many of Burnet's female interviewees (2011) said that the land inheritance law had increased friction between them and their brothers.[598] Furthermore, both husbands and wider communities commonly held views that women who took advantage of their right to undertake paid employment outside the home were ungrateful for their husbands' financial provision, as well as neglectful of their domestic and caregiving roles.[599] Additionally, from interviews with women in rural areas of Kamonyi district, Kagaba (2015) states that women who reported their abusive husbands to the police risked being ostracised by their families and communities.[600] These findings in the existing research show that, in many instances where Rwandan women attempted to take advantage of their new legal rights and step outside their expected roles as wives and caregivers, they faced stigma from their local communities and experienced tension with their male relatives.

The existing research suggests that this 'backlash' against women's rights stemmed from men's perceptions that their power and authority over women and in their communities were being eroded by these changes. Men interviewed by Kagaba (2015) reported feeling that they no longer fulfilled their traditional gender roles, that they received less respect within their household, and that they had as a result become disempowered in their communities.[601] Women's new financial opportunities and earnings could be a source of conflict, with one of Kagaba's male interviewees reporting that as a result of this financial freedom, 'they [women] are no longer obeying or respecting their husbands.'[602] Additionally, Kagaba reports a view from men that introducing the police into domestic conflicts had undermined men's authority over, and power to discipline, their wives.[603] Regardless of whether these men's views reflected the reality of women's attitudes towards their husbands or not, the prevalence of these views

[596] Berry, *War,* p. 179.
[597] Polavarapu, 'Procuring', p. 106; Elizabeth Daley et al., 'Ahead of the game: land tenure reform in Rwanda and the process of securing women's land rights', *Journal of Eastern African Studies,* 4:1 (2010), p. 140.
[598] Burnet, 'Women have found', p. 322.
[599] Stern et al., 'Doing and undoing', p. 982.
[600] Kagaba, 'Women's experiences', p. 583.
[601] Mediatrice Kagaba, 'Threatened masculinities: men's experiences of gender equality in rural Rwanda', *Masculinities – A Journal of Identity and Culture,* 3 (2015), pp. 70, 76.
[602] Ibid., p. 73.
[603] Ibid., p. 79.

across male interviewees shows a preoccupation among many men that women's growing legal rights threatened their own gendered roles as husbands and heads of households. Some men interviewed by Burnet (2011) reported that the institution of marriage was being eroded by these perceived changes in gender roles.[604] Others, interviewed by Erin Stern et al. (2015), said that wives might be bewitching their husbands to control them, implying that women's authority over their husbands was unnatural and could only occur through malicious powers.[605] These men's reactions had consequences for women, with existing research pointing to how such male perceptions have in some instances led to increased episodes of domestic violence.[606] *Gacaca* debates about women who allegedly exerted violent power during the genocide, including through exercising power over their male relatives, took place in the context of an ongoing reaction of many men to what they saw as women stepping outside their natural subservient domestic roles and threatening their own masculine authority. In these trials, members of local communities asked the state to intervene in these non-genocide-related, intimate concerns, and in doing so produced a post-genocide state that acted to manage these apparent gendered threats.

Accusations of controlling and inciting men

In this wider societal context, the report evidence suggests that there was heightened stigma in trials towards those women whose actions during the genocide were deemed to have transgressed gendered expectations of female submissiveness, especially in relation to their domestic roles. Women faced punishment for accusations of exerting power over their male relatives and inciting them to commit violence. These accusations often emerged over the course of trial discussions, as women's trials brought to the surface fears that women were gaining agency and exercising power over men in their domestic lives. In these cases, *gacaca* courts judged both women's agency during the genocide, and their agency within the household.

The actors who raised these accusations were not homogenous, but the reports allow some conclusions to be drawn about which court participants played prominent roles in the creation of these narratives. It was often men who spoke to make these allegations about

[604] Burnet, 'Women have found', p. 303.
[605] Stern et al., 'Doing and undoing', pp. 984-5.
[606] Katie Carlson and Shirley Randell, 'Gender and development: working with men for gender equality in Rwanda', *Agenda*, 27:1 (2013), p. 123; Henny Slegh et al., '"I can do women's work": reflections on engaging men as allies in women's economic empowerment in Rwanda', *Gender and Development*, 21:1 (2013), p. 19.

accused women, but, as with the construction of narratives about women's peacefulness and passivity, some women also acted as witnesses to raise these concerns. These allegations often came from speakers with some degree of authority or status within the community and court. Relatives of victims, including those given the status of victim parties, commonly spoke to accuse women of exerting power over male relatives. Significantly, those who held positions as judges also contributed to these narratives. Those who were judges in other courts sometimes contributed by speaking as witnesses in these women's trials. More commonly, judges presiding over these trials chose to pose particular lines of questioning, and ultimately approved these narratives and moral judgements in their verdicts. As discussed in *Chapters 2* and *3*, these judges were mostly men who had social standing and authority in their communities, and who often held positions in local churches, church organisations, and government. Not only were these judges powerful local actors, but in these courts they were simultaneously local agents of the state. It was these powerful, and predominantly male, members of communities and local state agents who raised concerns of women's power in relation to their male relatives, and who used the state space of *gacaca* to make moral judgements about women's domestic behaviour.

Ruth's trial, in May 2006, is one such case where a woman was judged and punished for transgressing her gendered domestic role. Her trial centred around two competing narratives of womanhood. Ruth's narrative was that she was a submissive wife incapable of agency in her husband's absence, while her accusers' narrative was that she was a controlling wife and mother who exerted power over her male relatives in the perpetration of genocide.

Ruth stood accused of taking part in a killing, participating in the looting of a house, and denouncing a person called Augustin who had taken refuge in her home. She pleaded not guilty. In her defence testimony, she said that the accusations against her were without basis, but that she wanted to explain herself regarding the charge of denouncing Augustin. She claimed that she was at home, talking with another woman, when they saw Augustin running over. Ruth said that he entered her house and that he said he was being followed by an attack group. She then said that

> *les assaillants sont arrivés et m'ont dit que je devais leur livrer la personne qui venait d'entrer chez moi, sinon ils allaient défoncer la porte. Je leur ai répondu que je ne pouvais leurs permettre de défoncer la porte sans la présence de mon mari.*
>
> [the attackers arrived and told me that I had to hand over to them the person who had just entered my home, if not they were going to break down the door. I responded to them that I could not allow them to break down the door without the presence of my husband.]

Ruth then claimed that the attackers asked her where her husband was. She said that she told them that he was in a bar nearby and that they went to fetch him. According to Ruth, it was her husband who then entered their house and handed Augustin over to the attackers, who later killed him.[607] Like many of the women discussed in the previous chapter, Ruth presented herself as a woman who was not capable of involvement in this genocide act, since she could not even let the attackers into her home without the presence and consent of her male head of household. Like other women, she also claimed that when her husband was present, he was the one who took all the decisions regarding what happened within their home and to Augustin.

However, in Ruth's case, this defence of gendered passivity did not go unchallenged. Multiple witnesses claimed that she denounced Augustin to attackers. Among these, the woman with whom Ruth claimed to have been talking when Augustin arrived denied that this was the case, saying that she only arrived at Ruth's house once Augustin was already hiding. As well as disputing this aspect of Ruth's story, this witness claimed that the attack group that arrived included Ruth's husband and sons among its members. Two further witnesses corroborated this witness testimony, one of whom said that Ruth was shouting about a person coming into her house, and that an attack group including Ruth's husband and sons arrived afterwards.[608] These witness testimonies not only claimed that Ruth denounced Augustin to attackers, but that her shouts and instigation of this attack led to her husband and sons committing an act of violence. These testimonies did not claim that Ruth controlled her male relatives, who were presented as willing members of the attack group, but they did start to create a narrative of Ruth being the person who incited their violence.

As well as these testimonies about the initial charges against her, a further allegation emerged during the trial about Ruth's incitement of her son to commit genocide; specifically, encouraging him to kill Fortunée. This accusation was not listed as a charge in her file, but it came to form a central part of the court debates. After testimonies from the civil parties, a member of the audience stood up to say that he was a judge in the cell court and that

> *lors de la collecte d'informations au niveau de la juridiction de cellule, plusieurs personnes ont témoigné en disant que l'accusée aurait dit à un de ses fils ceci : « si tu ne tues pas [Fortunée], n'ose plus remettre tes pieds chez moi ».*

[607] ASF, 'Observation des juridictions gacaca: ex-province d'Umutara: mai / 2006', *Unpublished monthly review* (2006), p. 4.
[608] Ibid., p. 6.

> [during the information collection at the level of the cell jurisdiction, several people testified saying that the accused apparently said this to one of her sons: 'if you do not kill Fortunée, do not dare to set foot in my home again'.][609]

This same allegation was reiterated by two later witnesses, including Ruth's daughter-in-law, who testified that

> *Un autre jour, je me rappelle que l'accusée a demandé à son fils qui vivait encore sous le toit parental d'aller tuer [Fortunée], en ajoutant que s'il ne le faisait pas, il n'allait plus remettre les pieds dans sa maison.*
> [Another day, I remember that the accused asked her son who still lived under his parents' roof to go and kill Fortunée, adding that if he did not, he was no longer going to set foot in her house.]

Ruth's daughter-in-law went on to state that the son indeed killed Fortunée and returned to his mother afterwards to tell her personally about this killing.[610]

These testifiers thereby entered a further allegation against Ruth, linked to a killing carried out by her son. Although her son allegedly killed the victim, the testifiers laid a significant proportion of the blame for this murder on Ruth, as the mother who exerted power over her son to commit this act of violence. They did not see her as supporting this genocide act; rather, they saw her as instigating it, using her authority over him and their home to ensure that the victim was killed. Compared to the 'peaceful mother' defences used by many women in *gacaca* to claim that they could not possibly have harboured a desire to kill, the allegation that emerged during this trial was of a manipulative, controlling, powerful mother who forced her son to kill by threatening him with no longer being allowed in the family home.

The verdict in Ruth's case further speaks to how her trial brought to the surface participants' fears of her alleged power over her male relatives. She was found not guilty of the first two charges against her: participating in a killing and the looting of a house. Except for testimony against Ruth from one civil party and Ruth's denials of these charges, these crimes were not discussed in this court. Instead, Ruth focussed her initial defence testimony on the charge regarding Augustin. Court participants similarly debated this charge, but significantly also steered the discussion towards their new accusation regarding Ruth's incitement of her son to kill Fortunée. This crime was not one with which Ruth was initially charged, but the judges' verdict stated that having '*Incité un de ses fils à tuer*' [Incited one of

[609] Ibid., p. 5.
[610] Ibid., p. 6.

her sons to kill] was one of the charges of which she was convicted, along with denouncing Augustin to attackers so that he could be killed.[611] As a result of concerns that emerged in participants' interventions, the court deemed that Ruth's alleged actions towards, and power over, her son constituted the perpetration of genocide.

Ruth's trial dealt with the fundamental questions of whether women could exert power in their homes and over their male relatives, as well as what should happen to those women who had done so. Compared to other women, Ruth's defence of being powerless in her role as a wife under the direction of her husband was not successful: the judges deemed that she had the power to determine what occurred in her home and that she made active decisions leading to Augustin's death. Implicit in this judgement was the narrative that Ruth alerted her husband and sons, as members of the attack group, to the presence of Augustin, and that she thereby took action to provoke their genocide violence. Similarly, the bench judged that she used her motherhood and the resultant power she had over her son for 'genocidal' means. The *gacaca* court sanctioned Ruth significantly for these acts, sentencing her to twenty-five years' imprisonment, reduced to twenty-one years on the basis of time served: a sentence that corresponded to a conviction of killing or of injuring with intent to kill.[612] The narrative that emerged during this trial portrayed Ruth as a woman who transgressed her natural peaceful and submissive role as a wife and mother to exert both violent power and power over her home and male relatives. This gendered domestic transgression intertwined with her gendered violent transgression, with the former seeming to make the latter more believable and understandable. In this context of the wider post-genocide reaction of many men to what they saw as women stepping outside their natural subservient domestic roles, this trial report shows that this court became a state institution that both heard and made moral judgements about what should happen to a woman who had exerted power within her household and over her male relatives. The court's verdict also created a state-authorised 'truth' narrative that a woman who had transgressed her gendered domestic role was also capable of perpetrating the genocide.

Similar narratives of controlling women exerting unacceptable power over their male relatives emerged over the course of other trials. Anne was put on trial in a courtyard outside administrative offices in October 2008. She appeared as a detained prisoner and stood before an audience of around eighty people, accused of drawing up a list of Tutsis to be killed;

[611] Ibid., p. 7.
[612] Hola and Nyseth Brehm, 'Punishing genocide', p. 71.

attending genocide preparation meetings; and killing Joyce and Joyce's child.[613] Anne declared her innocence, stating that the accusations against her were lies. She did not give a statement in her defence, stating instead that those who accused her should give the names of her co-conspirators to the bench. Rather than permitting her silence, the judges questioned her. In her responses, she denied all involvement in the genocide, and said that she did not know the circumstances of Joyce's death nor any information about the planning meetings.[614] Anne's denials were strongly challenged by victim parties and witnesses who testified that she attended genocide preparation meetings and that she went to a roadblock with a piece of paper on which were written the names of Tutsis who should be killed.

As well as these testimonies regarding the listed charges, several further accusations about Anne's involvement in other killings and acts of violence were also made during the debates. Significantly, when being questioned by the judges, the victim party who testified about the list of Tutsis to be killed went on to say that she

> *croisé l'accusée en chemin et que celle-ci menaçait son mari de tuer [Joyce]. Celle-ci a été tuée quelques minutes après. … L'accusée a également demandé à son fils du nom de [Pierre] de venir lui montrer le corps de [Gaudence].*
> [passed the accused on the way and that the accused was threatening her husband to kill Joyce. Joyce was killed some minutes after. … The accused also asked her son called Pierre to come and show her the body of Gaudence.]

While this accusation was similar to the listed charge of killing Joyce, the precise allegation that Anne exerted control over her male relative by pressuring him to kill Joyce only emerged at this point in the trial.

Other witnesses also spoke to accuse Anne of exerting power over her male relatives. One man testified to corroborate the story that Anne ordered her husband to kill Joyce.[615] Another woman also spoke to say that '*l'accusée a appelé [Pierre], son fils, pour lui montrer le corps de [Gaudence]*.' [the accused called Pierre, her son, to show her the body of Gaudence.] As was the case during Ruth's trial, an allegation that was not a listed charge emerged that Anne exerted power over her husband and son in a way that was threatening and unnatural for a Rwandan woman. Court participants who expressed this fear and judgement

[613] ASF, 'Observation des juridictions gacaca: ex province de Butare: actuelle province du Sud: septembre – octobre 2008', *Unpublished monthly review* (2008), p. 63.
[614] Ibid., pp. 63-4.
[615] Ibid., p. 65.

about Anne's domestic power also thereby implied that she had responsibility for, and even control of, these two men's actions. Anne denied this narrative, including by protesting that she could not be held culpable for crimes committed by her husband.[616] Despite these denials of responsibility, Anne was found guilty of all charges against her as well as of four additional murders. The bench placed her in category one and sentenced her to life imprisonment for a genocide perpetration that included her alleged power over her male relatives' actions during the genocide.[617]

A further woman, Costasie, was accused during her trial of making threats against her husband so that he would drive out Tutsis hiding in their house. Witnesses presented the narrative that Costasie took control over her husband and their domestic space to the extent that she overruled his attempts to rescue Tutsis, incited him to commit violence, and caused him to flee their home.

Costasie appeared freely before a court in Kigali-Ngali in November 2006. She was accused of complicity in the killing of Maurice, his wife Rachel, and their two children, and of laying a mine that killed and injured people.[618] Costasie pleaded not guilty and chose to focus her defence testimony on the first charge. She said that the victims were her neighbours, but that she did not kill them. She recounted that on 9 April 1994, she and her husband told the victims that they could come to their house to hide. She said that she knew immediately afterwards that people wanted to find the victims because she overheard someone saying that the victims were hiding at her house. According to Costasie, she and her husband then told the victims this information and asked them to hide elsewhere. She said that the victims left straightaway, while Rachel's sister and her servant chose to stay hiding in the house. Under questioning, Costasie went on to say that soldiers came to her house, made her lie on the floor, and demanded to know where the victims were hiding. She said that when she did not answer, the soldiers said that they would kill her if they ever found her at home, so she fled.[619] In Costasie's story, she and her husband acted in partnership to take the victims in, and then to relay to them the information that they were in danger and should leave. She then presented herself as powerless in her home when the soldiers entered it, and as having been driven out of her home due to these events.

[616] Ibid., p. 66.
[617] Ibid., p. 70.
[618] ASF, 'Observation des juridictions gacaca: province de l'Est: ancienne province de Kigali Ngali: novembre-décembre 2006', *Unpublished monthly review* (2006), p. 20.
[619] Ibid., p. 21.

However, this narrative was disputed in court, and further allegations were made against Costasie. The main witness against Costasie was Rachel's sister, who initially hid with the victims but then decided to remain at Costasie's house when they fled. She told a story that it was Costasie's husband who acted to protect them, while Costasie overruled his decision. This witness said that, before going into hiding, she was told that the accused was with soldiers at a different killing. She claimed that the next day, Costasie's husband proposed to the group that they hide at his house. She said that, when they arrived at the house, the accused said that she did not want them there. Concerning Costasie's attitude and actions towards her husband and the hiding Tutsis, the witness recounted that

> *Elle a demandé à son mari de nous faire sortir en menaçant de ramener des militaires s'il ne le faisait pas. … Son mari nous a alors dit qu'il était sûr que l'accusée allait venir avec des militaires, et nous a dit de fuir.*
> [She asked her husband to make us leave by threatening to bring back soldiers if he did not do it. … So her husband said to us that he was sure that the accused was going to come with soldiers, and told us to flee.]

The sister said that Costasie's husband also fled with the victims, fearing that the soldiers would kill him as well. She testified that when soldiers came to the house, Costasie was with them. She said that Costasie told them that she was a Tutsi, and showed the soldiers the direction in which the victims had fled.[620] For this witness, not only was Costasie responsible for the victims leaving her house and being followed by attackers, but she also overruled her husband's household power and decision-making to do so. Far from being a subservient, passive, and obedient wife, or even a woman who was acting in partnership with her husband, this witness painted Costasie as so powerful and threatening in her domestic space that, as a result of her actions, her husband was forced to leave in fear of his life. In this story, Costasie's gendered domestic transgression was inherently intertwined with her violent transgression: her genocide violence came through her power over her husband.

The bench authorised this counter-narrative, finding Costasie guilty of both charges and sentencing her to twenty-eight years' imprisonment.[621] The judges thereby gave state authorisation to the narrative that Costasie was a wife who transgressed her expected subservient role to overrule her husband and take control of their home to commit the genocide

[620] Ibid., p. 22.
[621] Ibid., p. 28.

acts of forcing victims to flee and telling their killers where they had gone. The trials of Costasie, Ruth, and Anne show local actors and this state institution combining to find women guilty of genocide in the context of narratives that these were 'extraordinary' women who had acted outside the confines of Rwandan womanhood to exert power in their domestic lives.

Women's knowledge of their male relatives' actions

As well as allegations that women had exerted undue influence over their male relatives, women in *gacaca* faced accusations related to an assumption that they, as wives and mothers, had a certain privileged, and sometimes dangerous, knowledge about the actions of their male relatives. These accusations also tended to emerge over the course of women's trials rather than being listed in women's case files, and they sometimes appeared in the same trials as accusations of women exerting direct influence over their male relatives. Accusations of women's knowledge of their male relatives' genocide guilt contained an assumption that this knowledge constituted both a certain domestic power and a genocide guilt of women's own.

Not all women who were questioned about their knowledge of their male relatives' genocide actions were found guilty. There was an ongoing discussion in *gacaca* courts about whether this knowledge existed and formed a certain type of power that women had over their male relatives, as well as whether this knowledge constituted genocide guilt or not. The reports suggest that the *gacaca* process as a whole did not converge on one singular 'truth' about these intertwined moral questions.

Nevertheless, it is significant that these moral issues were raised in court and that individual courts made judgements about them. These debates and verdicts took place alongside societal fears of contemporary women's power in the domestic sphere and of men's concurrent loss of power. The reports suggest that these court interventions constituted a further expression of these fears, if a more subtle one than the allegation of women exerting direct influence over their male relatives. These trials show that *gacaca* courts became spaces in which participants heard and made moral judgements about what knowledge women had about their male relatives, how women should use this knowledge, and what the consequences should be if women used this knowledge in an 'unacceptable' way.

These court debates speak to a wider literature that seeks to understand witchcraft accusations that have taken place within domestic and intimate environments. Peter Geschiere (2013) argues that witchcraft accusations against close relations, both within Africa and in

settings such as early modern Europe, relate to concerns that close relations and the intimacy that comes with them could be a source of danger.[622] He contends that intimate people are those whom one trusts and with whom one shares personal information, but also those who could turn out to be dangerous.[623] This scholarship identifies that knowledge about intimate relations could be a source of power over them. Geschiere and Cyprian Fisiy (1994) argue that witchcraft accusations in Cameroon were a reaction to this threat, and to the fear that there could be violence where there should only be kinship.[624] Women were often on the receiving end of these allegations. Wives especially have been identified in this scholarship as 'intimate strangers' who move into their husbands' houses and families, and have a particular power to run the home.[625] This analytical lens of witchcraft allegations against women by their intimates being a response to fears that they had gained threatening knowledge about, and power over, men within their domestic sphere informs an analysis of this theme in the *gacaca* trials. Where allegations about women's knowledge about their male relatives emerged in court, especially where women were subsequently convicted, participants argued that these women were not just guilty of committing genocide against a Tutsi victim, but also of harbouring dangerous power over their male relatives. Where these women were found guilty, they faced a punishment that spoke not just to those women who acted violently during the genocide, but also to contemporary Rwandan women who had intimate knowledge about their husbands and sons.

Assumptions and allegations relating to women's knowledge appeared in one of the trials that was discussed in *Chapter 4*. Marthe, who stood trial in an appeals court in Gisenyi in October 2007, was the woman who remained largely silent while her husband, Samuel, spoke on her behalf. During the trial, one audience member, the younger brother of the victim, spoke to say that Samuel was responsible for the death of the victim and that his wife Marthe knew something about it due to the bloodstained basin that was discovered in their home.[626] Marthe was ultimately acquitted in a trial where her silence meant that not much evidence was generated against her, but this statement nevertheless revealed a suspicion from at least one participant that Marthe's crime was one of knowledge of her husband's actions. It expressed a

[622] Geschiere, *Witchcraft*, p. 23.
[623] Ibid., p. 28.
[624] Peter Geschiere and Cyprian Fisiy, 'Domesticating personal violence: witchcraft, courts and confessions in Cameroon', *Africa*, 64:3 (1994), pp. 324-5.
[625] Diane Lyons, 'Witchcraft, gender, power and intimate relations in Mura compounds in Déla, northern Cameroon', *World Archaeology*, 29:3 (1998), p. 351; Sean Redding, 'Deaths in the family: domestic violence, witchcraft accusations and political militancy in Transkei, South Africa, 1904-1965', *Journal of Southern African Studies*, 30:3 (2004), pp. 535-6.
[626] ASF, 'Gisenyi: octobre 2007', p. 10.

belief that, as his wife, she would unavoidably have known about which objects were present in their domestic space, and that her husband could not have concealed from her an action that altered one of these objects.

The trial of Judith provides a more prominent example of these emerging debates, and shows how accusations about women's knowledge of their male relatives' actions could often be intertwined with accusations about women's power over them. Judith appeared freely before an appeals court in Gisenyi in October 2008. She was listed in a group trial alongside four men, three of whom were her sons. Her sons did not appear before the court and were judged in their absence, so Judith and the other accused man were the only members of the group to appear and speak before this court.[627] Attention in this court was given to Judith's alleged involvement in the genocide events discussed, but a large proportion of the questioning towards and witness statements about Judith focussed on her relationship with her sons. Crucially, Judith was not questioned about her sons as a witness. Rather, she faced questioning throughout this trial in her role as an accused individual, meaning that everything she said in court – including in response to these questions – was inherently related to the construction of a narrative about her own genocide culpability.

The victim party was appealing the group's acquittal in the sector court.[628] The precise charges against Judith are not detailed in this report, but the recorded discussion indicates that they were related to participation in the killing of a victim at Judith's mother-in-law's house, and the subsequent exhumation and reburial of the victim's body. Judith was the first of the accused individuals to be interviewed, and her testimony was delivered through this interview rather than in a monologued statement. In response to the president's questioning, Judith denied participating in the killing. She said that she only learned of the victim's death via her brother-in-law and that she later saw her husband, who also told her of the victim's death. Additionally, Judith maintained that she did not know anything about the victim's body being exhumed and reburied.

After this questioning about her own alleged involvement in the killing, the president questioned Judith about her knowledge of her sons' involvement. He asked Judith what she told one of her sons after the victim's death, and where that son was at the time. Judith denied telling her son anything, but told the bench that he was attending a higher education institute. The president also said to Judith that, according to the case file, it was one of her sons who

[627] ASF, 'Butare: septembre – octobre 2008', p. 105.
[628] Ibid., pp. 105-6.

proposed exhuming the victim, and he asked her if she heard her son say this. Judith responded that her son was not present when the victim was killed, and that she did not know if the victim was exhumed.[629] This line of questioning about her sons' actions continued. The president said that the other accused man had alleged that Judith's sons exhumed the victim's body, and the president asked Judith what she had to say about this accusation. Judith initially denied that the accusation had been made. Yet, when it was revealed that the accusation was listed in the sector-court trial's report, Judith claimed that it was only made as part of a deal between the other accused man and the victim party.[630] In these exchanges, the judges' questions implied that Judith had at least some level of knowledge about her sons' actions and that she should answer for and explain these actions in court. Judith consistently denied that she had knowledge of her sons' genocide actions. Yet, by providing responses that in some cases spoke to her sons' whereabouts, she at least to some degree legitimated the assumption that she would have had this knowledge, if there were genocide actions about which to know.

Similar accusations, not just about Judith's knowledge of her sons' actions but also her control over them, also emerged from witnesses. During the trial's second session a week later, one witness claimed that before the victim's death, '*[Judith] disait à la famille élargie de chasser la victime pour ne pas avoir de problème*.' [Judith said to her extended family to drive out the victim to not have problems.][631] A judge from an appeals court also presented himself as a witness, saying that a person told him that Judith and her sons killed the victim. He went on to say that

> *J'ai aussi appris que [Judith] avait donné de l'argent à ses fils pour qu'ils achètent de la bière en guise de récompense. Elle les remerciait du fait qu'ils lui avaient débarrassé de l'ennemi qui voulait lui prendre son mari.*
>
> [I also learned that Judith had given money to her sons so that they could buy beer by way of reward. She thanked them for the fact that they had rid her of the enemy who wanted to take her husband from her.][632]

These witnesses made allegations that Judith, like the three women discussed in the first part of this chapter, acted to instigate, control, and reward her sons' genocide violence. Echoing narratives of some women discussed in *Chapter 6*, the judge argued that she exerted this power

[629] Ibid., p. 107.
[630] Ibid., p. 108.
[631] Ibid., p. 114.
[632] Ibid., p. 116.

over her sons as a result of sexual jealousy. However, unlike for women in *Chapter 6*, this allegation did not result in the excusing or rationalising of Judith's actions. Instead, she was presented by these witnesses as a woman who overstepped her domestic role and acted to exert power over her sons' violence. They argued that this power constituted a genocide crime. These interventions, and Judith's trial as a whole, show how concerns about women's knowledge of, and power over, their male relatives' violence were often intertwined. Judith's alleged knowledge of her sons' actions was distinct from her alleged instigation of their violence, but this knowledge was presented in this trial as one of multiple forms of her power over them.

As well as her presumed knowledge and control of her sons' actions during the genocide, the judges interrogated Judith about her knowledge of and influence over their absence from court. One judge asked Judith why her sons had not appeared before the court on this day. Judith responded that they were not living in Rwanda, and detailed where they were living and working instead. However, she contradicted herself when she went on to say that one son was living in Kigali. Seemingly not satisfied with this response, one judge asked '*Pourquoi tu ne les as pas téléphonés pour qu'ils comparaissent ?*' [Why have you not phoned them so that they appear before the court?] Judith firstly answered that she did not know how to use a phone, although the *ASF* observer noted that she owned one. Judith then said that she gave one son's court summons to his wife, and another son's summons to a person who worked in his house.[633] These questions from the judges implied that, as their mother, Judith had knowledge over their continued whereabouts as well as the power to compel these men's presence in court. This line of questioning raised a seemingly contradictory, but nevertheless compatible, point about women's power over their male relatives from points raised before. These questions implied that Judith should have used her knowledge about and power over her sons for moral reasons by enforcing their presence in court, and that by not using this power she had acted immorally. Conversely, where she and other women had knowledge about or control over their male relatives' genocide actions, this power was deemed not only to be immoral, but in some instances it was judged to have constituted an act of genocide. While these points appear at first to have been incompatible, they both reflected a belief of women's privileged knowledge of and power over their male relatives' actions. They also stemmed from certain court participants' attempts to make moral judgements about, and ultimately control, where women could, should, or should not use these domestic powers.

[633] Ibid., p. 108.

Judith maintained her innocence throughout her trial, claiming that her accusers and witnesses against her were all lying and were only implicating her due to animosity with her. The bench ultimately acquitted her, along with two of her sons, finding one son and the other accused man guilty.[634] Nonetheless, the number of participants, including judges, who interrogated her and made statements on the assumption that she had knowledge and control of her sons' actions and whereabouts, and power over their genocide violence, shows the emergence in this court of concerns about this woman's domestic power.

As well as instances where these concerns arose during trials in which women were ultimately acquitted, other courts established 'truths' that accused women's knowledge of their male relatives' genocide actions formed part of their own genocide guilt. Odette was put on trial in Kigali City in September 2007, alongside another woman. She appeared on bail and was accused of complicity in the killing of a family, notably the wife, Thèrèse, and of looting the family's house.[635] Odette's guilt was not presented as being related exclusively to her male relatives' guilt, as the actions of her daughter were also mentioned. Nevertheless, the 'truth' narrative established in this court was that Odette's guilt was intertwined with the actions of her children and her knowledge of their actions; specifically, Odette was interrogated about her knowledge of her son's violent intentions.

Odette presented her testimony as a guilty plea and confession. Odette's narrative of her actions during the genocide was that, under the instructions of Thérèse's husband who feared for Thérèse's safety, Odette went to find Thérèse at the house where she was hiding. Odette said that, after being moved from her hiding place, Thérèse was later killed by soldiers. Despite presenting her testimony as a confession and admitting that removing Thérèse from her hiding place contributed to Thérèse's death, Odette maintained that there was no 'genocidal' intent or desire to kill Thérèse behind this action.[636]

Over the course of Odette's trial, witnesses and judges were concerned with the actions of Odette's children, even though her children were not on trial in this session. Two witnesses spoke to say that Odette's children were well known *Interahamwe*.[637] One testified that '*Quant à [Odette], je sais que ses enfants étaient de grands « Interahamwe », mais je ne sais rien d'autre sur elle*' [As for Odette, I know that her children were major '*Interahamwe*', but I do

[634] Ibid., p. 118.
[635] ASF, 'Observation des juridictions gacaca: Ville de Kigali: septembre 2007', *Unpublished monthly review* (2007), p. 10.
[636] Ibid., pp. 11-12.
[637] Ibid., pp. 12-13.

not know anything else about her].[638] By stating that their only incriminating knowledge about Odette was that her children were in the organised killing groups, this witness argued that this information was related to Odette's personal guilt.

It was not just that Odette's children's actions were presented in this court as being somehow reflective of her own, but also that she was assumed to have had knowledge of their actions. The judges' second question to Odette after her initial testimony was '*Est-il vrai que ton fils a voulu éliminer cette famille afin d'avoir une maison dans laquelle il célébrerait son mariage ?*' [Is it true that your son wanted to eliminate this family in order to have a house in which he would hold his wedding?] Odette replied by stating '*Je ne connais pas la responsabilité de mes enfants dans ces meurtres*' [I do not know the responsibility of my children in these murders].[639] Odette's denial of this knowledge might have been an attempt to avoid incriminating her son. Alternatively, she might simply not have had knowledge of his actions and motivations during the genocide. Odette might also have known that admitting to knowledge of her son's motivations could have been interpreted in this court as constituting admitting to a form of her own genocide guilt. Regardless of her motivations for denying this knowledge, this exchange between Odette and the bench immediately following her testimony shows that the judges held a belief that this alleged knowledge was relevant to a trial regarding Odette's culpability.

Odette was found guilty of driving Thérèse out of her hiding place. She was sentenced to thirteen years' imprisonment, but was released immediately due to the combination of already serving time and receiving a guilty-plea sentence reduction.[640] The state-authorised 'truth' narrative that Odette was guilty of genocide in her actions towards Thérèse was generated in a trial where judges and witnesses also created the narrative that she was a mother who had a privileged knowledge of her children's – especially her son's – violent intentions.

Another woman, Arivera, appeared before a court in Gikongoro in September 2005, in front of around 100 people. She appeared freely, and was accused of multiple murders, attacks, and thefts.[641] Arivera's trial centred around two opposing narratives about what sort of woman she was. Arivera's narrative was that she was a woman with limited knowledge of what was happening in her house, and whose only agency during the genocide and in her home was

[638] Ibid., p. 13.
[639] Ibid., p. 11.
[640] Ibid., p. 17.
[641] ASF, 'Observation des juridictions gacaca: province de Gikongoro: septembre 2005', *Unpublished monthly review* (2005), p. 4.

acting to rescue Tutsis. Her accusers' narrative was that she took part in multiple genocide acts, and that she also had knowledge of her male relatives' genocide actions.

Arivera pleaded not guilty, and in her defence testimony denied any involvement in the killings.[642] She went on to say that she hid three neighbours in her home during the genocide, and that she would not have done so if she had intended to kill their brothers. Arivera also claimed that she foiled an attempt to kill several children by obtaining a document forbidding this killing that was written by a member of the authorities. In this testimony, Arivera laid claim to a certain amount and form of power over her home, in her ability to hide Tutsis in it. However, she claimed that she only used this power to act morally.

After submitting Arivera to questions about whether she wrote the names of people killed in a book and whether she was present at a roadblock, the judges spent time questioning Arivera about her knowledge of her male relatives' actions. The observer recorded that

> *Un Inyangamugayo l'interroge sur les infractions commises par son père et ses frères et elle déclare qu'elle voyait son père sortir tous les jours mais qu'il ne lui racontait pas ses journées.*
> [A judge interrogates her about the offences committed by her father and her brothers and she declares that she saw her father go out every day but that he did not tell her about his days.]

With regards to her brother, Arivera said that he was '*un voyou*' [a thug] but that he did not live at their house and only came by from time to time.[643] Through this questioning, the judges presented the assumption that as their daughter and sister, and as a woman who shared their domestic space, Arivera would have had knowledge about these men's genocide actions. These questions also suggested that her alleged knowledge of their genocide actions would have influenced the outcome of her trial, since her testimony and answers on this day were not intended to gather evidence about these men, but rather were meant only to establish her own culpability.

In both this instance and throughout her trial, Arivera rejected the implication that she had knowledge of her male relatives' actions, including the assumption that living in the same house as her father automatically gave her knowledge about him. When she testified that she never participated in genocide planning meetings, the observer recorded that '*Elle ajoute cependant que [F] venait souvent s'entretenir avec son père chez eux mais qu'elle-même ne participait pas à leurs conversations.*' [She adds nevertheless that F came often to speak to her

[642] Ibid., pp. 4-5.
[643] Ibid., p. 5.

father at their house but that she herself did not take part in their conversations.][644] Later, after witness testimony both for and against her, a judged asked Arivera '*Pourquoi nies-tu que ton père était un grand tueur ?*' [Why do you deny that your father was a major killer?' This question once more intertwined Arivera's guilt with both her father's guilt and her assumed knowledge of her father's guilt. Arivera is recorded as responding that

> *Je ne l'ai jamais nié, j'ai seulement dit que je ne peux pas savoir ce qu'il a fait. Il ne pouvait pas se vanter de ses crimes devant moi alors qu'il savait que je cachais des gens !*
> [I never denied it, I only said that I cannot know what he did. He could not boast about his crimes in front of me when he knew that I was hiding people!][645]

In both her responses, but most explicitly this second one, Arivera denied the assumption that, as a woman who was present in his home, she automatically had intimate knowledge of her father's conversations and actions. Instead, she argued that the agency she exerted in the domestic space – rescuing Tutsis – actually served to prevent her from being given knowledge of her father's genocide actions. Arivera thereby argued that she could not be held in any way responsible for, knowledgeable about, or have her genocide guilt linked to, the actions of her father.

Despite Arivera's insistence on her innocence, she was found guilty of several charges. These were criminal participation, participating in planning meetings, murdering children, thefts, and keeping a book of victims' names. The bench sentenced her to twenty-eight years' imprisonment for these crimes, as well as six months' imprisonment for false testimony.[646] Although the report does not detail which aspects of Arivera's testimony the bench deemed to be false, this verdict generated a court record that her denials regarding her male relatives' violence were untrue. The bench's verdict was inseparable from the secondary narrative running throughout the trial – generated prominently through the judges' questioning – that Arivera had knowledge of, and some degree of responsibility for, her male relatives' genocide violence.

Marthe, Judith, Odette, and Arivera were all accused of crimes that were typical in *gacaca*, such as involvement in killings, attacks, and lootings. There was no official crime in *gacaca* law related to knowledge alone of others' genocide actions and intentions. Yet, over the course of these women's trials, allegations emerged that they had knowledge of their male

[644] Ibid., p. 5.
[645] Ibid., p. 8.
[646] Ibid., pp. 9-10.

relatives' actions and motivations, with the implication that this knowledge in some way represented their own guilt. These allegations sometimes appeared in the same trials as accusations of women exerting undue power over their male relatives, as was the case with Judith. These two forms of allegations and fears were not entirely distinct from one another. Rather, they were both expressions of the concern that these women had an unacceptable power in their domestic lives. The accusation of women's privileged knowledge about their male relatives was a more subtle expression of this fear than accusations of women wielding direct power over their husbands and sons to influence them to commit genocide. It constituted a less tangible accusation, and one that was less based on evidence that could easily be presented before the court. It relied more on assumptions about women's psychologies than their external actions. Perhaps as a result of this intangibility, the reports suggest that this was a fear about which the *gacaca* process as a whole did not converge on one hegemonic narrative. Of course, there were internal contradictions across *gacaca* courts about the other 'truths' it generated, but the evidence from the *ASF* reports points to the courts not forming a judgement that women automatically had a privileged knowledge of their male relatives' actions, nor that such knowledge always constituted genocide guilt.

In these cases, rather than the courts not converging on one singular 'truth' narrative about the genocide guilt of this alleged knowledge, it is most significant that court participants raised these concerns in the first place, and that some judges chose to act on them. In the post-genocide context of men's reactions to women's presumed increased power in relation to them, as well as the wider context of fears of intimacy and intimate knowledge being behind interfamilial witchcraft accusations, these court interventions can be understood as an expression of these fears of women's power in the household. *Gacaca* courts thereby became spaces that heard moral concerns not just about women's violent actions, but also about their psychologies and relationships with male relatives. Where women were found guilty in these trials, judges made moral statements about women's intimate knowledge and power in their domestic lives: what knowledge they had, how they should use it, and what the consequences should be of women using this knowledge in an 'unacceptable' way.

Conclusion: judging women's genocide and domestic transgressions

When analysing the stories told, and state 'truths' constructed, in *gacaca* about those women whom court participants believed to have committed genocide, two principal conclusions can

be drawn. Firstly, that participants and judges often made judgements that those women who were guilty of genocide had exited their natural female states and acted outside the confines of Rwandan womanhood. Secondly, that *gacaca* courts were simultaneously making judgements about contemporary Rwandan women's domestic roles.

With regards to the first conclusion, the evidence suggests that these women were often found guilty in *gacaca* of two interconnected transgressions that fed into one another. Allegations of women transgressing their domestic gender identity and exerting power over their male relatives, or of using their intimate knowledge of their male relatives' actions and intentions in unacceptable ways, often intertwined with judgements that these were women who had transgressed norms of female peacefulness. Although motivations for judges' final verdicts cannot be known for certain, it appears that the alleged transgression or misuse of their domestic gender role made allegations of their genocide violence more believable and understandable. Guilty verdicts in these cases did not contradict those innocent verdicts and narratives discussed in the previous chapter. Rather, they fed into and helped to create court narratives that 'ordinary' Rwandan women were not capable of wanting to commit genocide, and that those who had committed violence were either acting for 'non-genocidal' reasons or were gendered anomalies.

The court debates in these trials also show most strikingly a secondary function of *gacaca* in relation to women: as a political and communal process that made state-sanctioned moral judgements about contemporary Rwandan women's roles within the household. Participants who often had named roles in court or positions of authority in the community – such as victim parties and, most commonly, judges – raised concerns of women's power in their domestic lives. Against a background of men's reactions to women's perceived increases in power in relation to them in the post-genocide period, these court participants not only debated what forms of agency, if any, women were able to exert within the home, but also what should happen to those women whom the court and state deemed to have exerted unacceptable power and control over their male relatives and domestic space. *Gacaca* trials became one of various ways that Rwandan communities and the state stigmatised women who transgressed gender norms, with local actors imagining, and producing, a post-genocide state that intervened in these apparent gendered threats.

Conclusion

This thesis has used a central primary source base of the trial reports of ninety-one accused women, and built on existing theoretical and empirical scholarship, to provide the first consideration of Rwandan women's trials in *gacaca*, paying particular attention to the gendered nature and dynamics of this process. It set out to answer the following research questions. How did *gacaca* function as a space for women to tell their stories of genocide events? What did it mean for women to speak and act in *gacaca*? Did *gacaca* confront Rwandan women's agency in the perpetration of genocide, and if so, how? Did ideas about women's gender impact their defences, testimonies, and agency as accused individuals, and if so, how? And what was the significance of the stories of women's genocide guilt and innocence that participants, including accused women, told in *gacaca*?

This thesis has shown that there was an inherent tension in the relationship between *gacaca*'s stated aim of revealing the 'truth' of genocide, and the ability of accused women to use ideas and expectations about their gender to avoid facing punishment for charges of genocide. This tension appeared clearly in women's trials in two distinct, but interrelated, ways.

Firstly, in learning to navigate this public court system, including its gendered power dynamics and expectations, accused women who successfully exerted agency in *gacaca* to achieve favourable trial outcomes contributed to the process's construction of a state-authorised 'truth' narrative that ordinary Rwandan women's peacefulness, passivity, and subservience meant that they were incapable of acting to perpetrate the genocide, and that women perpetrators were gendered anomalies. In doing so, accused women placed crucial roles in *gacaca*'s construction of a narrative that women's violence could only stem from certain motivations, and its resultant failure to confront fully women's agency during the genocide.

Secondly, the contradictions between accused women's agency in court, and the wider assumption that women speaking in such a public setting is automatically 'empowering', speak both to problems with *gacaca*'s stated 'truth'-revealing aim and to further functions of the process. Women often exerted agency through forms other than speech acts, including using silence to avoid generating knowledge of their genocide involvement. Where women's agency did come through speech, such speech acts often invoked ideas of female peacefulness, passivity, and subservience, with women exerting agency in *gacaca* through the denial of women's capacity to act. Furthermore, notions of women's 'empowerment' in these spaces coexisted in tension with women's forced participation in a punitive process that produced

authority for the RPF regime, and that produced a post-genocide state that acted to manage perceived gendered threats to men's domestic authority. Accused women contributed to a process that was not one of 'truth' revelation, nor simply of 'truth' generation; they also played active roles in *gacaca*'s function as a state and communal process that exercised control over contemporary women's behaviour.

The thesis has also used its analysis of women's trials to show that *gacaca* became a public space in which actors pursued multiple state, local, and individual projects. In one respect, *gacaca* was a top-down project of state-authorised 'truth' generation about genocide events. This state project revolved around the identification and punishment of perpetrators, according to which individuals *gacaca* courts judged to have acted with a will to commit genocide. However, this project, which necessitated that courts consider accused women's agency in the perpetration of genocide violence, sat uneasily with a concurrent project of the regime: that of portraying women as Rwanda's natural peacebuilders. In the space created by both the tension in the RPF's genocide narrative about women, and the RPF's projection of *gacaca* into local communities, local actors – including accused women themselves – were able to use this state institution to pursue multiple other projects. Powerful members of local communities sought to use *gacaca* as a space to reassert gendered norms of behaviour amid a sense of moral disorder in the aftermath of the genocide and the post-genocide legal changes to Rwandan women's status. Additionally, accused women across the courts pursued their own projects of aiming to achieve their desired trial outcomes, including by attempting to evade punishment for real or alleged acts of genocide violence.

In the pursuit of these individual projects, this thesis has also demonstrated that accused women's agency in court was complex, sometimes contradictory, and interconnected with both ideas about their gender and the agency of other actors. Firstly, accused women were not one homogenous group, and nor were their trials solely defined by their gender. Unsurprisingly, women acted and chose to testify in multiple different ways, and no single strategy or way of telling a story of genocide guilt or innocence was either used by all women or worked for all women who used it. Secondly, *gacaca* undoubtedly expanded the boundaries for ordinary Rwandan women to speak in a public space, but women's successful agency in these courts did not only come through acts of public speech. Women who achieved favourable trial outcomes often used gendered expectations of silence and behaviour, and their acquired knowledge of *gacaca*'s processes, to their advantage. In particular, women's silences revealed and took advantage of the nature of *gacaca* as a public space where, at least initially, only certain individuals were expected to contribute to the generation of knowledge about the

genocide. Finally, accused women's agency existed in relation to the nature of this localised process of dispute resolution that was situated within their communities. *Gacaca* was an environment in which structures of authority were dominated by men, and where gendered social and familial power dynamics presented barriers to women speaking and acting in court. The support of other participants was crucial to many women's ability to achieve their desired trial outcome. On the one hand, social standing and connections gave certain women the ability to control, influence, and predict what other participants would say. On the other hand, women were reliant on other court actors' approval to be able to speak and behave in certain ways in this court system, and to gain support for their story of events. Ideas about their gender were by no means the sole factors impacting women's defences, testimonies, agency, and experiences as defendants. Yet, the social construction of their gender cannot be disentangled from any of these factors that also impacted women's trials.

The report set has provided new and extensive source material for women's *gacaca* trials, allowing for novel and significant insights into how women acted and told their stories of genocide involvement in these spaces. Yet, it is important to note that the reports can only reveal so much about what occurred in *gacaca* and how these accused women acted. Much undoubtedly happened in *gacaca* courts that the reports do not detail, including the precise social relations and power dynamics in each court and community; who these women were away from their identity as accused individuals; and women's precise motivations for choosing to tell particular stories and act in certain ways when on trial. Oral histories, while not possible during this research period, would not necessarily answer all these questions due to their own methodological limitations, but would certainly supplement and further this area of research. Furthermore, and as has been stated earlier in the thesis, accused men were not a normative, ungendered, category of defendant. For a more complete picture of this justice system and what it meant to defend oneself against charges of genocide within it, men's trials also need to be considered in relation to the social construction of their gender. Finally, since *gacaca* was a process that created and defined local post-genocide communities, this thesis opens up the question of what happened after their trials to those women who were labelled as innocent and returned to live as members of their communities.

The thesis is inherently unable to address all aspects of women's trials and *gacaca*'s gendered dynamics, or consider accused women's post-*gacaca* lives. Nevertheless, the findings of this thesis not only provide novel insights into women's *gacaca* trials, but they also make contributions to several broader historical and scholarly debates. They provide new insights in relation to a scholarship that examines the RPF regime's use of the state to generate

narratives of the country's past and simultaneously exert power over its population.[647] In doing so, the thesis argues that the RPF was not able to generate and impose one single and coherent 'truth' of the genocide in a top-down fashion, despite this state control being the focus of much of this literature.[648] Instead, the thesis shows how local communities' discussions and debates in *gacaca* contributed to, negotiated, and challenged the wider political 'truth' narrative that the regime was attempting to construct about what the genocide was, who its perpetrators were, and what it meant to be guilty of genocide. In turn, this process generated power and legitimacy for the regime, and helped to produce a particular version of the post-genocide state.

This thesis is not just a story about Rwanda. It also contributes to a growing body of wider literature on state production at a localised level.[649] It makes a novel contribution to this literature, providing a case study of this phenomenon in an African country where the state was not 'weak', but rather was being rebuilt and reimagined after conflict.

The thesis also makes a novel contribution to broader feminist conversations regarding both women's involvement in periods of violence, and post-conflict assumptions about women's involvement.[650] Specifically, it adds to a body of literature on the gendered dynamics of transitional justice institutions.[651] It responds to calls for considerations of the ways that global transitional justice mechanisms address actors who do not fit the framework of men-as-perpetrators and women-as-victims, providing a novel analysis of 'ordinary' women on trial.[652] From this approach, the thesis in turn points to the need for further critical reflection not only of how cultural gendered beliefs impact the post-conflict trials of suspected women combatants and perpetrators, but also of the narratives that transitional justice institutions generate about the involvement or otherwise of women in the perpetration of violence, both within Africa and globally.

Furthermore, and as already discussed in this conclusion, the thesis questions broader assumptions about the relationship between women's 'empowerment' and women's acts of

[647] Vidal, 'La commémoration', p. 586; Ingelaere, '"Does the truth"', pp. 521-2; Reyntjens, 'Constructing', pp. 2, 15-17; Jessee, *Negotiating*, pp. 13-14.
[648] Burnet, 'Whose genocide?', pp. 95-6; Lischer, 'Narrating atrocity', p. 818; Sosnov, 'Adjudication', p. 139; Laws, 'Recycled rhetoric', p. 191; Reyntjens, 'Constructing', pp. 27, 30; Begley, 'RPF', pp. 72-3.
[649] Zeller, 'Neither arbitrary', pp. 6-21; Leonardi, *Dealing with Government*; Nugent, *Boundaries*; MacArthur, 'Decolonizing', pp. 108-43; Musa et al., 'Revenues', pp. 108-27.
[650] Sjoberg and Gentry, *Beyond*; MacKenzie, 'Securitization', pp. 243-4.
[651] Franke, 'Gendered subject', pp. 813-28; Theidon, 'Gender in transition', pp. 453-78; Ní Aoláin, 'Advancing', pp. 205-28; Boesten and Wilding, 'Transformative gender justice', pp. 75-80; Björkdahl and Mannergren Selimovic, 'Gendering agency', p. 168; Ebrahimi-Tsamis, 'Reintegrating', pp. 81-3; Schulz, 'Towards inclusive gender', p. 692; Lynch, *Performances*, pp. 184-5.
[652] Lynch, *Performances*, p. 217; Langlois, 'Gender perspective', p. 147; Björkdahl and Mannergren Selimovic, 'Gendering agency', p. 168; Schulz, 'Towards inclusive gender', p. 701.

public speech.[653] As well as considering how women's power in *gacaca* often came through forms other than public speech, it identifies tensions between women's forced participation in a punitive system that produced authority for the regime and generated a state that acted to control women's behaviour; individual women's success in using speech acts to achieve favourable trial outcomes; and women's involvement in generating public narratives of female passivity and subservience.

Finally, and perhaps most significantly, this thesis makes novel claims about ideas of truth-telling and storytelling in justice systems. Throughout, it has contended with the questions of how actors understand, and tell stories of, culpability; what actors say when facing punishment for alleged violent acts; and what the significance is of these stories, especially once the court has decided upon one narrative of events in its verdict. This thesis has rejected assumptions inherent in transitional justice mechanisms that court participants' testimonies can reveal one singular and objective 'truth' of past events. It situates itself within a body of literature that questions whether such 'truths' exist.[654] Yet, it goes even further in its critique of the idea of courts being truth-telling mechanisms, rejecting assumptions that testimonies should be analysed in relation to this supposed 'truth'. It contends instead that testimonies should be considered as performative stories of events, and that these stories have an importance of their own, regardless of their relation to what happened in the past. The thesis makes this critical assertion in relation to the inherently interrelated phenomenon that the status given to courts' verdicts often elevates the decided-upon narrative to a court-generated 'truth' of events, and that this constructed 'truth' about an individual's culpability then takes on a societal significance of its own.

[653] Roberts, 'Representation', pp. 389-410; Shadle, 'Bridewealth', pp. 241-62; Mujere, 'Land', pp. 699-716; Mutongi, '"Worries", pp. 67-86; Zimudzi, 'African women', pp. 499-517; Parpart, 'Choosing silence', p. 15; Parpart and Parashar, 'Rethinking', p. 4; Sylvester, 'Voice', p. 16.
[654] Hirsch, 'Agents', p. 196; Daly, 'Truth skepticism', p. 25; Chapman, 'Truth finding', pp. 91-6; Clark, 'Transitional justice', pp. 248-50; Leebaw, 'Irreconcilable goals', pp. 112, 118.

Appendix: anonymised data from the observed women's trials

Woman	Status on trial	Month	Court	Province	Judges	Female judges	Male/Female president	Category	Guilty Plea	Plea Accepted	Guilty of anything	Sentence type	Original sentence	Final sentence after any reductions
1	Bail	Apr-05	Sector	Butare	8	6	M	2	Yes	No	Yes	Imprisonment	25 years	17 years
2	Free	Apr-05	Sector	Umutara	9	2	M	2	No	NA	No	Acquittal	NA	NA
3	Missing	May-05	Sector	Gikongoro	7	2	M	2	No	NA	No	Acquittal	NA	NA
4	Bail	May-05	Sector	Kibuye	8	1	M	2	No	NA	No	Acquittal	NA	NA
5	Prisoner	May-05	Sector	Kibuye	8	1	M	2	Yes	Yes	Yes	Imprisonment, Community Service	12 years' imprisonment	4 years' community service
6	Missing	Apr-05	Appeal	Kigali City	9	2	M	Missing	No	NA	No	Acquittal	NA	NA
7	Free	Jun-05	Sector	Kigali City	7	2	M	Missing	No	NA	Yes	Imprisonment	3 months	3 months
8	Prisoner	Aug-05	Sector	Kigali City	7	1	M	2	No	NA	No	Acquittal	NA	NA
9	Bail	Sep-05	Sector	Butare	8	2	M	2	No	NA	No	Acquittal	NA	NA
10	Free	Sep-05	Sector	Gikongoro	7	2	M	2	No	NA	Yes	Imprisonment	28 years 6 months	28 years 6 months
11	Free	Sep-05	Sector	Gitarama	9	2	M	2	No	NA	Yes	Imprisonment	3 months	3 months
12	Bail	Sep-05	Sector	Kigali-Ngali	7	3	F	2	No	NA	No	Acquittal	NA	NA
13	Bail	Sep-05	Sector	Kigali-Ngali	7	3	F	2	Yes	Yes	Yes	Imprisonment	2 years	Immediate release
14	Bail	Oct-05	Sector	Butare	Missing	Missing	Missing	2	Yes	Yes	Yes	Imprisonment	5 years	Immediate release
15	Free	Oct-05	Sector	Gisenyi	9	2	F	2	No	NA	No	Acquittal	NA	NA

16	Bail	May-06	Sector	Umutara	7	2	M	2	No	NA	Yes	Imprisonment	25 years	21 years
17	Free	Jul-06	Sector	Gitarama	7	2	M	2	Yes	Yes	Yes	Imprisonment, Community Service	Missing	1 year imprisonment, 1 year community service
18	Free	Jul-06	Sector	Ruhengeri	7	3	M	2	No	NA	Yes	Imprisonment, Community Service	3 years' imprisonment, 3 years' community service	3 years' imprisonment, 3 years' community service
19	Bail	Jul-06	Sector	Kigali City	8	2	M	2	Yes	Yes	Yes	Imprisonment	7 years	Immediate release
20	Bail	Aug-06	Sector	Kibungo	9	3	M	2	Yes	Yes	Yes	Imprisonment, Community Service	15 years' imprisonment	7 years' community service
21	Bail	Aug-06	Sector	Kibungo	8	3	M	2	Yes	Yes	Yes	Imprisonment, Community Service	12 years' imprisonment	3 years 6 months' community service
22	Free	Aug-06	Sector	Kigali City	9	4	M	2	No	NA	No	Acquittal	NA	NA
23	Free	Aug-06	Sector	Ruhengeri	9	2	M	2	No	NA	No	Acquittal	NA	NA
24	Free	Aug-08	Sector	Ruhengeri	7	2	F	2	No	NA	Yes	Imprisonment	25 years	25 years
25	Prisoner	Sep-06	Appeal	Umutara	8	1	M	2	No	NA	Yes	Imprisonment	27 years	25 years
26	Free	Nov-06	Sector	Kigali City	7	3	M	2	No	NA	Yes	Imprisonment	25 years	25 years
27	Free	Nov-06	Sector	Gikongoro	7	2	M	2	No	NA	No	Acquittal	NA	NA
28	Free	Nov-06	Sector	Gitarama	9	3	M	2	No	NA	Yes	Imprisonment	25 years	25 years
29	Free	Nov-06	Sector	Gitarama	9	3	M	2	No	NA	Yes	Imprisonment	25 years	25 years
30	Free	Nov-06	Sector	Gitarama	9	3	M	2	No	NA	No	Acquittal	NA	NA

31	Deceased	Nov-06	Sector	Gitarama	9	3	M	2	No	NA	Judgement not reached	NA	NA	NA
32	Free	Nov-06	Sector	Gitarama	8	2	M	2	No	NA	No	Acquittal	NA	NA
33	Free	Nov-06	Sector	Gitarama	8	2	M	2	No	NA	No	Acquittal	NA	NA
34	Free	Nov-06	Sector	Kibuye	9	3	M	2	No	NA	No	Acquittal	NA	NA
35	Free	Nov-06	Sector	Kigali-Ngali	9	2	M	2	No	NA	Yes	Imprisonment	28 years	27 years 6 months
36	Free	Nov-06	Sector	Kigali City	7	5	F	2	No	NA	Yes	Imprisonment	25 years	25 years
37	Prisoner	Jan-07	Appeal	Gikongoro	9	3	M	2	No	NA	No	Acquittal	NA	NA
38	Free	Jan-07	Sector	Gisenyi	7	2	M	2	No	NA	No	Acquittal	NA	NA
39	Bail	Jan-07	Sector	Kigali-Ngali	9	4	M	2	Yes	Yes	Yes	Imprisonment, Community Service	9 years' imprisonment	2 years' community service
40	Free	Feb-07	Sector	Gisenyi	8	3	M	2	No	NA	No	Acquittal	NA	NA
41	Free	Feb-07	Sector	Kibuye	9	5	F	2	No	NA	No	Acquittal	NA	NA
42	Free	Feb-07	Sector	Kibuye	9	5	F	2	No	NA	No	Acquittal	NA	NA
43	Free	Apr-07	Sector	Cyangugu	7	2	M	2	Yes	Yes	Yes	Imprisonment, Community Service, Suspended Sentence	3 years 3 months' imprisonment	13 months' imprisonment, 19 months 15 days' community service, 6 months 5 days' suspended sentence
44	Free	Apr-07	Sector	Gitarama	9	4	M	2	No	NA	No	Acquittal	NA	NA
45	Free	May-07	Sector	Kibungo	7	3	M	2	No	NA	Yes	Imprisonment	30 years	30 years
46	Free	May-07	Sector	Kibungo	5	2	M	2	No	NA	No	Acquittal	NA	NA

47	Free	May-07	Sector	Kibungo	7	4	F	2	No	NA	No	Acquittal	NA	NA
48	Free	May-07	Sector	Gikongoro	7	2	F	2	No	NA	No	Acquittal	NA	NA
49	Free	May-07	Sector	Gikongoro	7	2	F	2	No	NA	No	Acquittal	NA	NA
50	Missing	Jun-07	Sector	Butare	8	Missing	M	Missing	No	NA	No	Acquittal	NA	NA
51	Free	Jun-07	Sector	Gisenyi	7	2	M	2	No	NA	No	Acquittal	NA	NA
52	Free	Jun-07	Sector	Gisenyi	5	0	M	2	No	NA	No	Acquittal	NA	NA
53	Free	Jun-07	Sector	Kigali-Ngali	5	3	F	2	No	NA	No	Acquittal	NA	NA
54	Free	Jun-07	Sector	Kigali-Ngali	5	3	F	2	No	NA	No	Acquittal	NA	NA
55	Free	Jun-07	Sector	Kigali-Ngali	5	3	F	2	No	NA	No	Acquittal	NA	NA
56	Prisoner	Jun-07	Sector	Kigali-Ngali	5	3	F	2	No	NA	No	Acquittal	NA	NA
57	Prisoner	Jun-07	Sector	Kigali-Ngali	5	3	F	2	No	NA	No	Acquittal	NA	NA
58	Free	Jun-07	Sector	Kigali-Ngali	5	3	F	2	Yes	No	Yes	Imprisonment	15 years	15 years
59	Free	Jun-07	Sector	Gitarama	5	3	F	2	No	NA	No	Acquittal	NA	NA
60	Free	Jul-07	Sector	Gikongoro	5	3	M	2	No	NA	No	Acquittal	NA	NA
61	Free	Aug-07	Sector	Gikongoro	7	3	M	2	No	NA	No	Acquittal	NA	NA
62	Free	Aug-07	Sector	Gikongoro	7	3	M	2	No	NA	No	Acquittal	NA	NA
63	Free	Aug-07	Sector	Cyangugu	5	2	F	2	No	NA	No	Acquittal	NA	NA
64	Missing	Aug-07	Sector	Gisenyi	6	2	F	2	No	NA	No	Acquittal	NA	NA
65	Missing	Aug-07	Sector	Gisenyi	6	1	F	2	No	NA	Judgement not reached	NA	NA	NA
66	Missing	Aug-07	Sector	Gisenyi	6	2	F	2	No	NA	No	Acquittal	NA	NA

67	Missing	Aug-07	Sector	Gisenyi	6	2	F	2	No	NA	No	Acquittal	NA	NA
68	Free	Sep-07	Sector	Kigali City	7	3	M	2	No	NA	Yes	Imprisonment, Community Service, Suspended Sentence	1 year 8 months' imprisonment, 2 years 6 months' community service, 10 months' suspended sentence	1 year 8 months' imprisonment, 2 years 6 months' community service, 10 months' suspended sentence
69	Bail	Sep-07	Sector	Kigali City	7	3	M	2	Yes	Yes	Yes	Imprisonment, Community Service, Suspended Sentence	13 years' imprisonment	Missing
70	Absent	Oct-07	Sector	Kibuye	5	2	F	2	Yes	Yes	Yes	Imprisonment, Community Service, Suspended Sentence	1 year 4 months' imprisonment, 3 years' community service, 2 years 8 months' suspended sentence	1 year 4 months' imprisonment, 3 years' community service, 2 years 8 months' suspended sentence
71	Free	Oct-07	Appeal	Gisenyi	7	1	M	2	No	NA	No	Acquittal	NA	NA
72	Free	Oct-07	Sector	Gitarama	5	1	M	2	No	NA	No	Acquittal	NA	NA
73	Free	Oct-07	Sector	Gitarama	5	1	M	2	No	NA	Yes	Imprisonment	19 years	19 years
74	Free	Oct-07	Sector	Gitarama	5	1	M	2	No	NA	Yes	Imprisonment	15 years	15 years
75	Free	Nov-07	Sector	Butare	5	2	M	2	No	NA	No	Acquittal	NA	NA
76	Free	Nov-07	Sector	Butare	5	1	M	2	No	NA	No	Acquittal	NA	NA

77	Free	Nov-07	Sector	Gitarama	5	1	M	2	No	NA	No	Acquittal	NA	NA
78	Free	Nov-07	Sector	Gitarama	5	0	M	2	No	NA	No	Acquittal	NA	NA
79	Absent	Nov-07	Sector	Kibuye	5	2	M	2	No	NA	Yes	Imprisonment	15 years	15 years
80	Absent	Nov-07	Sector	Kibuye	5	2	M	2	No	NA	Yes	Imprisonment	15 years	15 years
81	Free	Dec-07	Appeal	Gisenyi	5	0	M	3	No	NA	Judgement not reached	NA	NA	NA
82	Free	Dec-07	Appeal	Gisenyi	5	0	M	3	No	NA	Judgement not reached	NA	NA	NA
83	Deceased	Apr-08	Appeal	Cyangugu	5	2	M	3	No	NA	Judgement not reached	NA	NA	NA
84	Free	May-08	Appeal	Gitarama	5	3	F	2	No	NA	Yes	Imprisonment	15 years	14 years 11 months
85	Free	May-08	Appeal	Umutara	5	2	M	2	No	NA	No	Acquittal	NA	NA
86	Prisoner	Jun-08	Appeal	Gitarama	6	2	M	2	No	NA	No	Acquittal	NA	NA
87	Free	Oct-08	Sector	Butare	6	2	M	2	No	NA	No	Acquittal	NA	NA
88	Prisoner	Oct-08	Sector	Butare	6	3	M	1	No	NA	Yes	Imprisonment	Life	Life
89	Free	Oct-08	Appeal	Gisenyi	5	0	M	Missing	No	NA	No	Acquittal	NA	NA
90	Absent	Nov-08	Appeal	Gisenyi	6	3	F	2	No	NA	Yes	Imprisonment, fine	15 years' imprisonment, fine of 14,900,625 FRW	15 years' imprisonment, fine of 14,900,625 FRW
91	Prisoner	Dec-09	Appeal	Gisenyi	5	2	M	1	Yes	No	Yes	Imprisonment	Life	30 years

Bibliography

Abbott, Pamela and Dixon Malunda, 'The promise and the reality: women's rights in Rwanda', *African Journal of International and Comparative Law*, 24:4 (2016), pp. 561-81

Abbott, Pamela et al., 'Women, land and empowerment in Rwanda', *Journal of International Development*, 30 (2018), pp. 1006-22

Abraham, Janaki, 'Veiling and the production of gender and space in a town in North India: a critique of the public/private dichotomy', *Indian Journal of Gender Studies*, 17:2 (2010), pp. 191-222

Adler, Reva N. et al., 'A calamity in the neighborhood: women's participation in the Rwandan genocide', *Genocide Studies and Prevention: An International Journal*, 2:3 (2007), pp. 209-34

Alison, Miranda, 'Women as agents of political violence: gendering security', *Security Dialogue*, 35:4 (2004), pp. 447-63

Allar, Kimberly, 'Setting the picture straight: the ordinary women of Nazi Germany and Rwanda who participated in genocide', in Karen Auerbach (ed.), *Aftermath: Genocide, Memory and History* (Victoria, Australia, 2015), pp. 21-47

Allard, Pierre and Judy Allard, 'Prison chaplaincy, restorative justice, and *Just.Equipping*', *Peace Review*, 21:3 (2009), pp. 330-8

Ashforth, Adam, 'AIDS as witchcraft in post-apartheid South Africa', in Veena Das and Deborah Poole (eds.), *Anthropology in the Margins of the State* (Santa Fe, 2004), pp. 141-63

Ashforth, Adam, 'On living in a world with witches: everyday epistemology and spiritual insecurity in a modern African city (Soweto)', in Henrietta L. Moore and Todd Sanders (eds.), *Magical Interpretations, Material Realities: Modernity, Witchcraft and the Occult in Postcolonial Africa* (London, 2001), pp. 206-25

Ashforth, Adam, 'Witchcraft', in Guarav Desai and Adeline Masquelier (eds.), *Critical Terms for the Study of Africa* (Chicago, 2018), pp. 365-80

Avocats Sans Frontières, 'Mission and vision', <https://www.asf.be/about-asf/mandate-vision/> (accessed 07.06.21)

Avocats Sans Frontières, *Monitoring des juridictions gacaca : phase de jugement : rapport analytique n° 5 : janvier 2008 – mars 2010* (2010), <https://www.asf.be/wp-content/publications/Rwanda_MonitoringGacaca_RapportAnalytique5_Light.pdf> (accessed 06.09.2022)

Avocats Sans Frontières, *Monitoring des juridictions gacaca. Phase de jugement. Rapport analytique n° 3. Octobre 2006 – avril 2007* (2007), <https://www.asf.be/wp-content/publications/Rwanda_MonitoringGacaca_RapportAnalytique3_FR.pdf> (accessed 06.09.2022)

Avocats Sans *Frontières, Monitoring des juridictions gacaca. Phase de jugement. Rapport analytique n° 2. Octobre 2005-septembre 2006* (2006), <https://issuu.com/avocatssansfrontieres/docs/rwanda_monitoringgacaca_rapportanalytique2> (accessed 06.09.2022)

Avocats Sans Frontières, *Monitoring des juridictions gacaca. Phase de jugement. Rapport analytique n° 4. Mai-décembre 2007* (2007), <https://issuu.com/avocatssansfrontieres/docs/rwanda_monitoringgacaca_rapportanalytique4_fr> (accessed 06.09.2022)

Avocats Sans Frontières, *Monitoring des juridictions gacaca: phase de jugement: rapport analytique: mars-septembre 2005* (2005), <https://www.asf.be/wp-content/publications/Rwanda_MonitoringGacaca_Rapport%20analytique1_FR.pdf> (accessed 06.09.2022)

Avocats Sans Frontières, 'Search: gacaca', <https://asf.be/?s=gacaca> (accessed 24.2.2022)

Baisley, Elizabeth, 'Genocide and constructions of Hutu and Tutsi in radio propaganda', *Race & Class*, 55:3 (2014), pp. 38-59

Banda, Fareda, 'Women, law and human rights in southern Africa', *Journal of Southern African Studies,* 32:1 (2006), pp. 13-27

Bauer, Gretchen and Jennie E. Burnet, 'Gender quotas, democracy, and women's representation in Africa: some insights from democratic Botswana and autocratic Rwanda', *Women's Studies International Forum*, 41:2 (2013), pp. 103-12

Bayisenge, Jeannette et al., 'Women's land rights in the context of the land tenure reform in Rwanda – the experiences of policy implementers', *Journal of Eastern African Studies*, 9:1 (2015), pp. 74-90

Begley, Larissa, ‘The RPF control everything! Fear and rumour under Rwanda’s genocide ideology legislation’, in Susan Thomson et al. (eds.), *Emotional and Ethical Challenges for Field Research in Africa: The Story Behind the Findings* (Hampshire, 2013), pp. 70-83

Benhabib, Seyla, ‘Models of public space: Hannah Arendt, the liberal tradition, and Jürgen Habermas’, in Craig Calhoun (ed.), *Habermas and the Public Sphere* (Cambridge, MA, 1992), pp. 73-98

Bernal, Victoria, ‘Equality to die for?: Women guerrilla fighters and Eritrea’s cultural revolution’, *PoLAR: Political and Legal Anthropology Review*, 23:2 (2000), pp. 61-76

Bernal, Victoria, ‘From warriors to wives: contradictions of liberation and development in Eritrea’, *Northeast African Studies*, 8:3 (2001), pp. 129-54

Berry, Marie E., ‘When “bright futures” fade: paradoxes of women’s empowerment in Rwanda, *Signs*, 41:1 (2015), pp. 1-27

Berry, Marie E., *War, Women, and Power: from Violence to Mobilization in Rwanda and Bosnia Herzegovina* (Cambridge, 2018)

Bhattacharya, Himika, ‘Performing silence: gender, violence, and resistance in women’s narratives from Lahaul, India’, *Qualitative Inquiry*, 15:2 (2009), pp. 359-71

Biesta, Gert, ‘Becoming public: public pedagogy, citizenship and the public sphere’, *Social & Cultural Geography*, 13:7 (2012), pp. 683-97

Björkdahl, Annika and Johanna Mannergren Selimovic, ‘Gendering agency in transitional justice’, *Security Dialogue*, 46:2 (2015), pp. 165-82

Boesten, Jelke and Polly Wilding, ‘Transformative gender justice: setting an agenda’, *Women’s Studies International Forum*, 51 (2015), pp. 75-80

Bögelein, Nicole et al., ‘Courtroom ethnography in the context of terrorism: a multi-level approach’, *International Journal of Qualitative Methods*, 21 (2022), pp. 1-11

Booth, Alan R., ‘“European courts protect women and witches”: colonial law courts as redistributors of power in Swaziland 1920-1950’, *Journal of Southern African Studies*, 18:2 (1992), pp. 253-75

Bornkamm, Paul Christoph, *Rwanda’s Gacaca Courts: Between Retribution and Reparation* (Oxford, 2012)

Bremner, Charles, 'French walkout over blame for Rwanda genocide', *The Times*, 8 April 2004, p. 16, <http://ezphost.dur.ac.uk/login?url=https://www.proquest.com/newspapers/french-walkout-over-blame-rwanda-genocide/docview/319055190/se-2> (accessed 13.09.2022)

Brounéus, Karen, 'Truth-telling as talking cure? Insecurity and retraumatization in the Rwandan gacaca courts', *Security Dialogue*, 39:1 (2008), pp. 55-76

Brown, Jennifer and Justine Uvuza, 'Women's land rights in Rwanda: how can they be protected and strengthened as the land law is implemented?', *Rural Development Institute* (2006), <http://landwise-production.s3.amazonaws.com/2022/03/Brown_Womens_Land_Rights_in_Rwanda_2006.pdf> (accessed 06.09.2022)

Brown, Sara E., '"They forgot their role": women perpetrators of the Holocaust and the genocide against the Tutsi in Rwanda', *Journal of Perpetrator Research*, 3:1 (2020), pp. 156-85

Brown, Sara E., 'Female perpetrators of the Rwandan genocide', *International Feminist Journal of Politics*, 16:3 (2014), pp. 448-69

Brown, Sara E., *Gender and the Genocide in Rwanda: Women as Rescuers and Perpetrators* (Oxfordshire, 2018)

Bruner, Jason, 'Contesting confession in the East African Revival', *Anglican and Episcopal History*, 84:3 (2015), pp. 253-78

Bruner, Jason, 'Public confession and the moral universe of the East African Revival', *Studies in World Christianity*, 18:3 (2012), pp. 254-68

Buckley-Zistel, Susanne, '"The truth heals"? Gacaca jurisdictions and the consolidation of peace in Rwanda', *Die Friedens-Warte*, 80:1-2 (2005), pp. 113-29

Buckley-Zistel, Susanne, 'We are pretending peace: local memory and the absence of social transformation and reconciliation in Rwanda', in Phil Clark and Zachary D. Kaufman (eds.), *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond* (London, 2008), pp. 125-43

Burnet, Jennie E. and Jacqueline Mukandamage, 'Réseau des Femmes Oeuvrant pour le Dévéloppement Rural: an organizational case study', *Anthropology Faculty Publications*, Paper 7 (2000)

Burnet, Jennie E. and the Rwanda Initiative for Sustainable Development, 'Culture, practice and law: women's access to land in Rwanda', in L. Muthoni Wanyeki (ed.), *Women and Land in Africa: Culture, Religion and Realizing Women's Rights* (London, 2003), pp. 176-206

Burnet, Jennie E., '(In)justice: truth, reconciliation, and revenge in Rwanda's *gacaca*', in Alexander Laban Hinton (ed.), *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence* (New Brunswick, 2010), pp. 95-118

Burnet, Jennie E., 'Gender balance and the meanings of women in governance in post-genocide Rwanda', *African Affairs*, 107:428 (2008), pp. 361-86

Burnet, Jennie E., 'The injustice of local justice: truth, reconciliation, and revenge in Rwanda', *Genocide Studies and Prevention*, 3:2 (2008), pp. 173-93

Burnet, Jennie E., 'Whose genocide? Whose truth? Representations of victim and perpetrator in Rwanda', in Alexander Laban Hinton and Kevin Lewis O'Neill (eds.), *Genocide: Truth, Memory, and Representation* (London, 2009), pp. 80-110

Burnet, Jennie E., 'Women have found respect: gender quotas, symbolic representation, and female empowerment in Rwanda', *Politics & Gender*, 7:3 (2011), pp. 303-34

Burnet, Jennie E., *Genocide Lives in Us: Women, Memory, and Silence in Rwanda* (Wisconsin, 2012)

Buscaglia, Ilaria and Shirley Randell, 'Legacy of colonialism in the empowerment of women in Rwanda', *Cosmopolitan Civil Societies: An Interdisciplinary Journal*, 4:1 (2012), pp. 69-85

Buscaglia, Ilaria, 'Femmes qui gouvernent les femmes: émancipation et féminité dans la campagne du post-génocide Rwandais', in Muriel Gomez-Perez (ed.), *Femmes d'Afrique et Émancipation: Entre normes sociales contraignantes et nouveaux possibles* (Paris, 2018), pp. 173-208

Button, Kirsty et al., 'South Africa's system of dispute resolution forums: the role of the family and the state in customary marriage dissolution', *Journal of Southern African Studies*, 42:2 (2016), pp. 299-316

Byfield, Judith, 'Women, marriage, divorce and the emerging colonial state in Abeokuta (Nigeria) 1892-1904', *Canadian Journal of African Studies*, 30:1 (1996), pp. 32-51

Calhoun, Craig, 'Introduction: Habermas and the public sphere', in Craig Calhoun (ed.), *Habermas and the Public Sphere* (Cambridge, MA, 1992), pp. 1-48

Carlson, Katie and Shirley Randell, 'Gender and development: working with men for gender equality in Rwanda', *Agenda*, 27:1 (2013), pp. 114-25

Carter, Linda E., 'Justice and reconciliation on trial: gacaca proceedings in Rwanda', *New England Journal of International and Comparative Law*, 14:1 (2007), pp. 41-56

Chakravarty, Anuradha, *Investing in Authoritarian Rule: Punishment and Patronage in Rwanda's Gacaca Courts for Genocide Crimes* (Cambridge, 2016)

Chapman, Audrey R., 'Truth finding in the transitional justice process', in Hugo van der Merwe et al. (eds.), *Assessing the Impact of Transitional Justice: Challenges for Empirical Research* (Washington, D.C., 2009), pp. 91-113

Cherry, Janet and Celestin Hategekimana, 'Ending gender-based violence through grassroots women's empowerment: lessons from post-1994 Rwanda', *Agenda,* 27:1 (2013), pp. 100-13

Christine Keating, 'Resistant silences', in Sheena Malhotra and Aimee Carrillo Rowe (eds.), *Silence, Feminism, Power: Reflections at the Edges of Sound* (London, 2013), pp. 25-33

Clark, Janine Natalya, 'Transitional justice, truth and reconciliation: an under-explored relationship', *International Criminal Law Review*, 11 (2011), pp. 241-61

Clark, Phil, 'Hybridity, holism, and traditional justice: the case of the gacaca courts in post-genocide Rwanda', *George Washington International Law Review,* 39:4 (2007), pp. 765-838

Clark, Phil, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers* (Cambridge, 2010)

Codere, Helen, *The Biography of an African Society, Rwanda 1900-1960: Based on Forty-Eight Rwandan Autobiographies* (Tervuren, 1973)

Coulter, Chris, 'Female fighters in the Sierra Leone war: challenging the assumptions?', *Feminist Review*, 88:1 (2008), pp. 54-73

Daley, Elizabeth et al., 'Ahead of the game: land tenure reform in Rwanda and the process of securing women's land rights', *Journal of Eastern African Studies,* 4:1 (2010), pp. 131-52

Daly, Erin, 'Truth skepticism: an inquiry into the value of truth in times of transition', *The International Journal of Transitional Justice,* 2:1 (2008), pp. 23-41

Das, Veena and Deborah Poole, 'State and its margins: comparative ethnographies', in Veena Das and Deborah Poole (eds.), *Anthropology in the Margins of the State* (Santa Fe, 2004), pp. 3-34

De Brouwer, Anne-Marie and Etienne Ruvebana, 'The legacy of the *gacaca* courts in Rwanda: survivors' views', *International Criminal Law Review*, 13 (2013), pp. 937-76

De Lame, Danielle, 'Changing Rwandan vision of women and land, in the heart of the house, at the outskirts of the world', *Afrika Focus,* 15:1-2 (1999), pp. 3-12

De Lame, Danielle, 'Mighty secrets, public commensality, and the crisis of transparency: Rwanda through the looking glass', *Canadian Journal of African Studies,* 38:2 (2004), pp. 279-317

Debusscher, Petra and An Ansoms, 'Gender equality policies in Rwanda: public relations or real transformations?', *Development and Change*, 44:5 (2013), pp. 1111-34

Desrosiers, Marie-Eve and Susan Thomson, 'Rhetorical legacies of leadership: projections of "benevolent leadership" in pre- and post-genocide Rwanda', *Journal of Modern African Studies,* 49:3 (2011), pp. 429-53

Devlin, Claire and Robert Elgie, 'The effect of increased women's representation in parliament: the case of Rwanda', *Parliamentary Affairs,* 61:2 (2008), pp. 237-54

Dingli, Sophia, 'We need to talk about silence: re-examining silence in International Relations theory', *European Journal of International Relations*, 21:4 (2015), pp. 721-42

Doughty, Kristin Connor, *Remediation in Rwanda: Grassroots Legal Forums* (Philadelphia, PA, 2016)

Doughty, Kristin, 'Law and the architecture of social repair: *gacaca* days in post-genocide Rwanda', *Journal of the Royal Anthropological Institute,* 21:2 (2015), pp. 419-37

Drumbl, Mark A., *Atrocity, Punishment, and International Law* (Cambridge, 2007)

Dumas, Hélène, 'Histoire, justice et réconciliation: les juridictions gacaca au Rwanda', *Mouvements,* 53:1 (2008), pp. 110-17

Eboiyehi, Friday A., 'Convicted without evidence: elderly women and witchcraft accusations in contemporary Nigeria', *Journal of International Women's Studies*, 18:4 (2017), pp. 247-65

Ebrahimi-Tsamis, Aleisha, 'Reintegrating FARC's female combatants: the challenges of addressing gender binaries in transitional justice', *Birkbeck Law Review,* 6:1 (2018), pp. 81-112

Elliott, Victoria, 'Thinking about the coding process in qualitative data analysis', *The Qualitative Report*, 23:11 (2018), pp. 2850-61

Ephgrave, Nicole, ‘Women’s testimony and collective memory: lessons from South Africa’s TRC and Rwanda’s *gacaca* courts’, *European Journal of Women’s Studies*, 22:2 (2015), pp. 177-90

Eramian, Laura, ‘Neither obedient nor resistant: state history as cultural resource in post-genocide Rwanda’, *Journal of Modern African Studies*, 55:4 (2017), pp. 623-45

Feierman, Steven, ‘Healing as social criticism in the time of colonial conquest’, *African Studies*, 54:1 (1995), pp. 73-88

Fletcher, Laurel E. and Harvey M. Weinstein, ‘Writing transitional justice: an empirical evaluation of transitional justice scholarship in academic journals’, *Journal of Human Rights Practice*, 7:2 (2015), pp. 177-98

Franke, Katherine M., ‘Gendered subject of transitional justice’, *Columbia Journal of Gender and Law*, 15:3 (2006), pp. 813-28

Freedman, Jim, ‘Ritual and history: the case of Nyabingi’, *Cahiers d’Études Africaines*, 14:53 (1974), pp. 170-80

Fujii, Lee Ann, ‘Transforming the moral landscape: the diffusion of a genocidal norm in Rwanda’, *Journal of Genocide Research*, 6:1 (2004), pp. 99-114

Funkeson, Ulrika et al., ‘Witnesses to genocide: experiences of witnessing in the Rwandan gacaca courts’, *Peace and Conflict*, 17:4 (2011), pp. 367-88

Garrigou, Alain, ‘La construction sociale du vote: fétichisme et raison instrumentale’, *Politix*, 22 (1993), pp. 5-42

Gasanabo, Jean-Damascène et al., ‘Rwanda’s inyangamugayo: perspectives from practitioners in the gacaca transitional justice mechanism’, *Genocide Studies and Prevention: An International Journal*, 14:2 (2020), pp. 153-72

Gebeye, Berihun A., ‘Decoding legal pluralism in Africa’, *The Journal of Legal Pluralism and Unofficial Law*, 49:2 (2017), pp. 228-49

Gentry, Caron E. and Laura Sjoberg, *Beyond Mothers, Monsters, Whores: Thinking about Women’s Violence in Global Politics* (London, 2015)

Geraghty, Mark Anthony, ‘Gacaca, genocide, genocide ideology: the violent aftermaths of transitional justice in the new Rwanda’, *Comparative Studies in Society and History*, 62:3 (2020), pp. 588-618

Gertz, Evelyn A. et al., ‘Gender and genocide: assessing differential opportunity structures of perpetration in Rwanda’, in Timothy Williams and Susanne Buckley-Zistel (eds.), *Perpetrators and Perpetration of Mass Violence: Action, Motivations and Dynamics* (London, 2018), pp. 133-50

Gervais, Myriam, 'Human security and reconstruction efforts in Rawanda: impact on the lives of women', *Development in Practice*, 13:5 (2003), pp. 542-50

Geschiere, Peter and Cyprian Fisiy, 'Domesticating personal violence: witchcraft, courts and confessions in Cameroon', *Africa*, 64:3 (1994), pp. 323-41

Geschiere, Peter, *Witchcraft, Intimacy & Trust: Africa in Comparison* (Chicago, IL, 2013)

Goodfellow, Tom, 'The institutionalisation of "noise" and "silence" in urban politics: riots and compliance in Uganda and Rwanda', *Oxford Development Studies*, 41:4 (2013), pp. 436-54

Gravel, Pierre Bettez, 'Diffuse power as a commodity: a case study from Gisaka (eastern Rwanda)', *International Journal of Comparative Sociology*, 9:3-4 (1968), pp. 163-76

Gravel, Pierre Bettez, *Remera: A Community in Eastern Rwanda* (The Hague, 1968)

Graybill, Lyn S., 'Pardon, punishment, and amnesia: three African post-conflict methods', *Third World Quarterly*, 25:6 (2004), pp. 1117-30

Hamilton, Heather B., 'Rwanda's women: the key to reconstruction', *Journal of Humanitarian Aid*, 11 (2000), n.p.

Hannah, David R. and Brenda A. Lautsch, 'Counting in qualitative research: why to conduct it, when to avoid it, and when to closet it', *Journal of Management Inquiry*, 20:1 (2011), pp. 14-22

Hansen, Lene, 'Reconstructing the silence/speech dichotomy in feminist security studies: gender, agency and the politics of subjectivity in *La Frontière Invisible*', in Jane L. Parpart and Swati Parashar (eds.), *Rethinking Silence, Voice and Agency in Contested Gendered Terrains* (London, 2018), pp. 27-49

Harel-Shalar, Ayelet and Shir Daphna-Tekoah, 'Listening to silences and voices: a methodological framework', in Jane L. Parpart and Swati Parashar (eds.), *Rethinking Silence, Voice and Agency in Contested Gendered Terrains* (London, 2018), pp. 78-92

Henshaw, Alexis Leanna, 'Where women rebel: patterns of women's participation in armed rebel groups', *International Feminist Journal of Politics*, 18:1 (2016), pp. 39-60

Higgins, Tracy E. et al., 'Gender equality and customary marriage: bargaining in the shadow of post-apartheid legal pluralism', *Fordham International Law Journal*, 30:6 (2006), pp. 1653-708

Hintjens, Helen M., 'Explaining the 1994 genocide in Rwanda', *The Journal of Modern African Studies*, 37:2 (1999), pp. 241-86

Hintjens, Helen, 'Post-genocide identity politics in Rwanda', *Ethnicities*, 8:1 (2008), pp. 5-41

Hinton, Alexander Laban, 'The dark side of modernity: toward an anthropology of genocide', in Alexander Laban Hinton (ed.), *Annihilating Difference: The Anthropology of Genocide* (Berkeley, CA, 2002), pp. 1-40

Hirsch, Michal Ben-Josef, 'Agents of truth and justice: truth commissions and the transitional justice epistemic community', in David Chandler and Volker Heins (eds.), *Rethinking Ethical Foreign Policy: Pitfalls, Possibilities and Paradoxes* (London, 2007), pp. 184-205

Hogg, Nicole and Mark Drumbl, 'Women as perpetrators: agency and authority in genocidal Rwanda', in Amy E. Randall (ed.), *Genocide and Gender in the Twentieth Century: A Comparative Survey* (London, 2015), pp. 189-211

Hogg, Nicole, 'Women's participation in the Rwandan genocide: mothers or monsters?', *International Review of the Red Cross,* 92:877 (2010), pp. 69-102

Hola, Barbara and Hollie Nyseth Brehm, 'Punishing genocide: a comparative empirical analysis of sentencing laws and practices at the International Criminal Tribunal for Rwanda (ICTR), Rwandan domestic courts, and gacaca courts', *Genocide Studies and Prevention: An International Journal*, 10:3 (2016), pp. 59-80

Holmes, Georgina, 'The postcolonial politics of militarizing Rwandan women: an analysis of the extremist magazine *Kangura* and the gendering of a genocidal nation-state', *Minerva Journal of Women and War*, 2:2 (2008), pp. 44-63

Human Rights Watch, *Justice compromised: the legacy of Rwanda's community-based gacaca courts* (2011), <https://www.hrw.org/sites/default/files/reports/rwanda0511webwcover_0.pdf> (accessed 17.08.2022)

Human Rights Watch/Africa et al., *Shattered lives: sexual violence during the Rwandan genocide and its aftermath* (1996), <https://www.hrw.org/sites/default/files/reports/1996_Rwanda_%20Shattered%20Lives.pdf> (accessed 06.09.2022)

Ingelaere, Bert, '"Does the truth pass across the fire without burning?" Locating the short circuit in Rwanda's genocide courts', *The Journal of Modern African Studies,* 47:4 (2009), pp. 507-28

Ingelaere, Bert, 'Assembling styles of truth in Rwanda's *gacaca* process', *Journal of Humanitarian Affairs,* 2:2 (2020), pp. 22-30

Ingelaere, Bert, 'Les juridictions gacaca au Rwanda', in Luc Huyse and Mark Salter (eds.), *Justice Traditionnelle et Réconciliation Après un Conflit Violent : La Richesse des Expériences Africaines* (Stockholm, 2008), pp. 27-64

Ingelaere, Bert, *Inside Rwanda's Gacaca Courts: Seeking Justice after Genocide* (Madison, WI, 2016)

Jefremovas, Villia, 'Contested identities: power and the fictions of ethnicity, ethnography and history in Rwanda', *Anthropologica*, 39:1-2 (1997), pp. 91-104

Jefremovas, Villia, 'Loose women, virtuous wives, and timid virgins: gender and the control of resources in Rwanda', *Canadian Journal of African Studies*, 25:3 (1991), pp. 378-95

Jessee, Erin, 'Commemorating genocide in Rwanda', in Guy Elcheroth and Neloufer de Mel (eds.), *In the Shadow of Transitional Justice: Cross-national Perspectives on the Transformative Potential of Remembrance* (London, 2022), pp. 35-50

Jessee, Erin, 'Rwandan women no more: female *génocidaires* in the aftermath of the 1994 Rwandan genocide', *Conflict and Society: Advances in Research*, 1 (2015), pp. 60-80

Jessee, Erin, 'Seeing monsters, hearing victims: the politics of perpetration in postgenocide Rwanda', in Kjell Anderson and Erin Jessee (eds.), *Researching Perpetrators of Genocide* (Madison, WI, 2020), pp. 67-90

Jessee, Erin, 'The danger of a single story: iconic stories in the aftermath of the 1994 Rwandan genocide', *Memory Studies*, 10:2 (2017), pp. 144-63

Jessee, Erin, 'The limits of oral history: ethics and methodology amid highly politicized research settings', *The Oral History Review*, 38:2 (2011), pp. 287-307

Jessee, Erin, 'Women and genocide in Africa', *Oxford Research Encyclopedia of African History* (2020)

Jessee, Erin, *Negotiating Genocide in Rwanda: The Politics of History* (Cham, Switzerland, 2017)

Jones, Adam, 'Gender and genocide in Rwanda', *Journal of Genocide Research*, 4:1 (2002), pp. 65-94

Jones, Adam, 'Gendering Rwanda: genocide and post-genocide', *Journal of International Peacekeeping*, 22 (2018), pp. 215-29

Kagaba, Mediatrice, 'Threatened masculinities: men's experiences of gender equality in rural Rwanda', *Masculinities – A Journal of Identity and Culture*, 3 (2015), pp. 55-85

Kagaba, Mediatrice, 'Women's experiences of gender equality laws in rural Rwanda: the case of Kamonyi District', *Journal of Eastern African Studies*, 9:4 (2015), pp. 574-92

Karekezi, Urusaro Alice et al., ‘Localizing justice: gacaca courts in post-genocide Rwanda’, in Eric Stover and Harvey M. Weinstein (eds.), *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (Cambridge, 2004), pp. 69-84

Koomen, Jonneke, ‘“Without these women, the tribunal cannot do anything”: the politics of witness testimony on sexual violence at the International Criminal Tribunal for Rwanda’, *Signs*, 38:2 (2013), pp. 253-77

Kounine, Laura, ‘The gendering of witchcraft: defence strategies of men and women in German witchcraft trials’, *German History*, 31:3 (2013), pp. 295-317

Laws, Megan C., ‘Recycled rhetoric: examining continuities in political rhetoric as a resilience strategy in pre-independence and post-genocide Rwanda’, *Journal of Modern African Studies*, 59:2 (2021), pp. 175-95

Le Mon, Christopher J., ‘Rwanda’s troubled gacaca courts’, *Human Rights Brief*, 14:2 (2007), pp. 16-20

Leebaw, Bronwyn Anne, ‘The irreconcilable goals of transitional justice’, *Human Rights Quarterly*, 30:1 (2008), pp. 95-118

Lemarchand, René, *Rwanda and Burundi* (New York, 1970)

Lemay Langlois, Léa, ‘Gender perspective in UN framework for peace processes and transitional justice: the need for a clearer and more inclusive notion of gender’, *International Journal of Transitional Justice*, 12 (2018), pp. 146-67

Leonardi, Cherry, *Dealing with Government in South Sudan: Histories of Chiefship, Community and State* (Suffolk, 2013)

Linden, Ian and Jane Linden, *Church and Revolution in Rwanda* (Manchester, 1977)

Lischer, Sarah Kenyon, ‘Narrating atrocity: genocide memorials, dark tourism, and the politics of memory’, *Review of International Studies*, 45:5 (2019), pp. 805-27

Longman, Timothy, ‘Trying times for Rwanda: reevaluating gacaca courts in post-genocide reconciliation’, *Harvard International Review*, 32:2 (2010), pp. 48-52

Longman, Timothy, *Christianity and Genocide in Rwanda* (Cambridge, 2010)

Low, Setha, ‘Public space and the public sphere: the legacy of Neil Smith’, *Antipode*, 49:S1 (2017), pp. 153-70

Loyle, Cyanne E., ‘Overcoming research obstacles in hybrid regimes: lessons from Rwanda’, *Social Science Quarterly*, 97:4 (2016), pp. 923-35

Lund, Christian, ‘Twilight institutions: an introduction’, *Development and Change*, 37:4 (2006), pp. 673-84

Lundy, Patricia and Mark McGovern, 'Whose justice? Rethinking transitional justice from the bottom up', *Journal of Law and Society*, 35:2 (2008), pp. 265-92

Lynch, Gabrielle, *Performances of Injustice: The Politics of Truth, Justice and Reconciliation in Kenya* (Cambridge, 2018)

Lyons, Diane, 'Witchcraft, gender, power and intimate relations in Mura compounds in Déla, northern Cameroon', *World Archaeology*, 29:3 (1998), pp. 344-62

MacArthur, Julie, 'Decolonizing sovereignty: states of exception along the Kenya-Somali frontier', *The American Historical Review*, 124:1 (2019), pp. 108-43

MacKenzie, Megan, 'Securitization and desecuritization: female soldiers and the reconstruction of women in post-conflict Sierra Leone', *Security Studies*, 18:2 (2009), pp. 241-61

Mamdani, Mahmood, 'Indirect rule, civil society, and ethnicity: the African dilemma', *Social Justice*, 23:1 (1996), pp. 145-50

Mannergren Selimovic, Johanna, 'Gender, narrative and affect: top-down politics of commemoration in post-genocide Rwanda', *Memory Studies*, 13:2 (2020), pp. 131-45

Maquet, Jacques, 'La tenure des terres dans l'état rwanda traditionnel', *Cahiers d'Études Africaines*, 7:28 (1967), pp. 624-36

Maxwell, Joseph A., 'Using numbers in qualitative research', *Qualitative Inquiry*, 16:6 (2010), pp. 475-82

May, Larry, *Genocide: A Normative Account* (Cambridge, 2012)

McKee, Alan, *The Public Sphere: An Introduction* (Cambridge, 2012)

McNairn, Rosemarie, 'Building capacity to resolve conflict in communities: Oxfam experience in Rwanda', *Gender & Development*, 12:3 (2004), pp. 83-93

Mitchell, Don, 'The end of public space? People's Park, definitions of the public, and democracy', *Annals of the Association of American Geographers*, 85:1 (1995), pp. 108-33

Molenaar, Arthur, 'Gacaca: grassroots justice after genocide: the key to reconciliation in Rwanda?', *African Studies Centre*, Research Report 77 (2005)

Monrouxe, Lynn V. and Charlotte E. Rees, 'When I say… quantification in qualitative research', *Medical Education*, 54:3 (2020), pp. 186-7

Moon, Daewon, 'Testimony and fellowship for a continuous conversion in the East African Revival', *Studies in World Christianity*, 24:2 (2018), pp. 157-73

Moore, Henrietta L. and Todd Sanders, 'Magical interpretations and material realities: an introduction', in Henrietta L. Moore and Todd Sanders (eds.), *Magical Interpretations, Material Realities: Modernity, Witchcraft and the Occult in Postcolonial Africa* (London, 2001), pp. 1-27

Mpambara, Lydie R. M. (trans.), 'RTLM 50 of 20/06/94', *Montreal Institute for Genocide and Human Rights Studies*, <http://migs.concordia.ca/links/documents/RTLM_20Jun94_eng_tape0035.pdf> (accessed 20.04.2020)

Mujere, Joseph, 'Land, gender and inheritance disputes among the Basotho in the Dewure Purchase Areas, colonial Zimbabwe', *South African Historical Journal*, 66:4 (2014), pp. 699-716

Murray, Amy Jo and Kevin Durrheim, 'Introduction: a turn to silence', in Amy Jo Murray and Kevin Durrheim (eds.), *Qualitative Studies of Silence: The Unsaid as Social Action* (Cambridge, 2019), pp. 1-20

Murray-Swank, Aaron B. et al., 'Understanding spiritual confession: a review and theoretical synthesis', *Mental Health, Religion and Culture*, 10:3 (2007), pp. 275-91

Musa, Ahmed M. et al., 'Revenues on the hoof: livestock trade, taxation and state-making in the Somali territories', *Journal of Eastern African Studies*, 15:1 (2021), pp. 108-27

Mutongi, Kenda, '"Worries of the heart": widowed mothers, daughters and masculinities in Maragoli, Western Kenya, 1940-60', *The Journal of African History*, 40:1 (1999), pp. 67-86

Mwambari, David, 'Women-led non-governmental organizations and peacebuilding in Rwanda', *African Conflict & Peacebuilding Review*, 7:1 (2017), pp. 66-79

Mzvondiwa, Cecilia Ntombizodwa, 'The role of women in the reconstruction and building of peace in Rwanda: peace prospects for the Great Lakes region', *African Security Studies*, 16:1 (2007), pp. 99-106

Newbury, Catharine and Hannah Baldwin, 'Confronting the aftermath of conflict: women's organizations in postgenocide Rwanda', in Krishna Kumar (ed.), *Women and Civil War: Impact, Organizations, and Action* (Boulder, CO, 2001), pp. 97-128

Newbury, David, 'Precolonial Burundi and Rwanda: local loyalties, regional royalties', *The International Journal of African Historical Studies*, 34:2 (2001), pp. 255-314

News of Rwanda, 'Kagame Reveals Rwandans "Solidarity" As Key To Successful Nation' (2017), <http://www.newsofrwanda.com/ubuvugizi/32463/kagame-reveals-rpf-solidarity-as-key-to-successful-rwanda/> (accessed 21.11.2018)

Ní Aoláin, Fionnuala, 'Advancing feminist positioning in the field of transitional justice', *The International Journal of Transitional Justice*, 6 (2012), pp. 205-28

Niehaus, Isak, 'Witches and zombies of the South African lowveld: discourse, accusations and subjective reality', *The Journal of the Royal Anthropological Institute*, 11:2 (2005), pp. 191-210

Nugent, Paul, *Boundaries, Communities and State-Making in West Africa: The Centrality of the Margins* (Cambridge, 2019)

Nyseth Brehm, Hollie et al., '"We came to realize we are judges": moral careers of elected lay jurists in Rwanda's *gacaca* courts', *International Journal of Transitional Justice*, 14:3 (2020), pp. 443-63

Nyseth Brehm, Hollie et al., 'Age, gender, and the crime of crimes: toward a life-course theory of genocide perpetration', *Criminology*, 54:4 (2016), pp. 713-43

Nyseth Brehm, Hollie et al., 'Genocide, justice, and Rwanda's gacaca courts', *Journal of Contemporary Criminal Justice*, 30:3 (2014), pp. 333-52

Nyseth Brehm, Hollie et al., 'Producing expertise in a transitional justice setting: judges at Rwanda's gacaca courts', *Law & Social Inquiry*, 44:1 (2019), pp. 78-101

Otake, Yuko, 'Suffering of silenced people in northern Rwanda', *Social Science & Medicine*, 222 (2019), pp. 171-9

Paradelle, Muriel and Hélène Dumont, 'L'emprunt à la culture, un atout dans le jugement du crime de genocide? Etude de cas à partir des juridictions traditionnelles *gacaca* saisies du genocide des *Tutsis* du Rwanda', *Criminologie*, 39:2 (2006), pp. 97-135

Parpart, Jane L. and Swati Parashar, 'Introduction: rethinking the power of silence in insecure and gendered sites', in Jane L. Parpart and Swati Parashar (eds.), *Rethinking Silence, Voice and Agency in Contested Gendered Terrains* (London, 2018), pp. 1-15

Parpart, Jane L., 'Choosing silence: rethinking voice, agency and women's empowerment', in Róisín Ryan-Flood and Rosalind Gill (eds.), *Secrecy and Silence in the Research Process: Feminist Reflections* (Oxford, 2010), pp. 15-29

Pauwels, Marcel, 'La culte de Nyabingi (Ruanda)', *Anthropos*, 46:3-4 (1951), pp. 337-57

Penal Reform International, *Gacaca research report no. 11: testimony and evidence in the gacaca courts* (2008), <https://www.penalreform.org/resource/gacaca-research-report-no11-testimony-evidence-gacaca/> (accessed 06.09.2022)

Penal Reform International, *The contribution of the gacaca jurisdictions to resolving cases arising from the genocide: contributions, limitations and expectations of the post-gacaca phase* (2010), <https://cdn.penalreform.org/wp-content/uploads/2013/06/Gacaca_final_2010_en.pdf> (accessed 06.09.2022)

Polavarapu, Aparna, 'Procuring meaningful land rights for the women of Rwanda', *Yale Human Rights & Development Law Journal*, 14:1 (2011), pp. 105-54

Portelli, Alessandro, 'Living voices: the oral history interview as dialogue and experience', *The Oral History Review*, 45:2 (2018), pp. 239-48

Porter, Holly E., 'Justice and rape on the periphery: the supremacy of social harmony in the space between legal solutions and formal judicial systems in northern Uganda', *Journal of Eastern African Studies*, 6:1 (2012), pp. 81-97

Powley, Elizabeth, 'Engendering Rwanda's decentralization: supporting women candidates for local office', *Hunt Alternatives Fund: The Institute for Inclusive Security* (2008)

Powley, Elizabeth, 'Strengthening governance: the role of women in Rwanda's transition', *Hunt Alternatives Fund* (2003)

Prinsloo, M. W., 'Recognition and application of indigenous law in Zaïre, Rwanda, Burundi and Lusophone Africa', *Journal of South African Law*, 4 (1993), pp. 541-51

Purdeková, Andrea, '"Mundane sights" of power: the history of social monitoring and its subversion in Rwanda', *African Studies Review*, 59:2 (2016), pp. 59-86

Redding, Sean, 'Deaths in the family: domestic violence, witchcraft accusations and political militancy in Transkei, South Africa, 1904-1965', *Journal of Southern African Studies*, 30:3 (2004), pp. 519-37

Renne, J. K., 'The precolonial kingdom of Rwanda: a reinterpretation', *Transafrican Journal of History*, 2 (1972), pp. 11-54

Rettig, Max L., 'Transnational trials as transitional justice: lessons from the trial of two Rwandan nuns in Belgium', *Washington University Global Studies Law Review*, 11:2 (2012), pp. 365-414

Rettig, Max, 'Gacaca: truth, justice, and reconciliation in postconflict Rwanda?', *African Studies Review*, 51:3 (2008), pp. 25-50

Rettig, Max, 'The Sovu trials: the impact of genocide justice on one community', in Scott Straus and Lars Waldorf (eds.), *Remaking Rwanda: State Building and Human Rights After Mass Atrocity* (Wisconsin, 2011), pp. 194-209

Reyntjens, Filip, '(Re-)imagining a reluctant post-genocide society: the Rwandan Patriotic Front's ideology and practice', *Journal of Genocide Research*, 18:1 (2016), pp. 61-81

Reyntjens, Filip, ‘Constructing the truth, dealing with dissent, domesticating the world: governance in post-genocide Rwanda’, *African Affairs*, 110:438 (2011), pp. 1-34

Reyntjens, Filip, ‘Le *gacaca* ou la justice du gazon au Rwanda’, *Politique Africaine*, 40 (1990), pp. 31-41

Reyntjens, Filip, ‘Rwanda, ten years on: from genocide to dictatorship’, *African Affairs*, 103:411 (2004), pp. 177-210

Reyntjens, Filip, ‘The development of the dual legal system in former Belgian Central Africa (Zaire-Rwanda-Burundi)’, in W. J. Mommsen and J. A. De Moor (eds.), *European Expansion and Law: The Encounter of European and Indigenous Law in 19th and 20th-Century Africa and Asia* (Oxford, 1992), pp. 111-27

Reyntjens, Filip, *Pouvoir et Droit au Rwanda : Droit Public et Evolution Politique, 1916-1973* (Tervuren, 1985)

Riley, Robin L., ‘Women and war: militarism, bodies, and the practice of gender’, *Sociology Compass*, 2:4 (2008), pp. 1192-208

Ripatti-Torniainen, Leena, ‘Becoming (a) public: what the concept of public reveals about a programmatic public pedagogy at the university’, *Higher Education*, 75:6 (2018), pp. 1015-29

Roberts, Richard, ‘Representation, structure and agency: divorce in the French Soudan during the early twentieth century’, *The Journal of African History*, 40:3 (1999), pp. 389-410

Rose, Laurel L., ‘Women’s land access in post-conflict Rwanda: bridging the gap between customary land law and pending land legislation’, *Texas Journal of Women and the Law*, 13:2 (2004), pp. 197-250

Rosoux, Valérie and Aggée Shyaka Mugabe, ‘Le cas des *gacaca* au Rwanda. Jusqu’où négocier la réconciliation?’, *Négociations*, 9:1 (2008), pp. 29-40

Rosoux, Valérie, ‘Réconcilier : ambition et piège de la justice transitionnelle. Le cas du Rwanda’, *Droit et Société*, 73:3 (2009), n.p.

Rowlands, Alison, ‘Witchcraft and old women in early modern Germany’, *Past & Present*, 173 (2001), pp. 50-89

Ryan, Mary P., ‘Gender and public access: women’s politics in nineteenth-century America’, in Craig Calhoun (ed.), *Habermas and the Public Sphere* (Cambridge, MA, 1992), pp. 259-88

Salacuse, Jeswald, *An Introduction to Law in French-Speaking Africa: Volume 1. Africa South of the Sahara* (Charlottesville, VA, 1969)

Sarkin, Jeremy and Erin Daly, 'Too many questions, too few answers: reconciliation in transitional societies', *Columbia Human Rights Law Review*, 35:3 (2004), pp. 661-728

Schabas, William A., 'Genocide trials and gacaca courts', *Journal of International Criminal Justice*, 3:4 (2005), pp. 879-95

Schmidt, Elizabeth, 'Negotiated spaces and contested terrain: men, women, and the law in colonial Zimbabwe, 1890-1939', *Journal of Southern African Studies*, 16:4 (1990), pp. 622-48

Schulz, Philipp, 'Towards inclusive gender in transitional justice: gaps, blind-spots and opportunities', *Journal of Intervention and Statebuilding*, 14:5 (2020), pp. 691-710

Shadle, Brett L., 'Bridewealth and female consent: marriage disputes in African courts, Gusiiland, Kenya', *Journal of African History*, 44:2 (2003), pp. 241-62

Sharlach, Lisa, 'Gender and genocide in Rwanda: women as agents and objects of genocide', *Journal of Genocide Research*, 1:3 (1999), pp. 387-99

Sharpe, Jim, 'Women, witchcraft and the legal process', in Jennifer Kermode and Garthine Walker (eds.), *Women, Crime and the Courts in Early Modern England* (London, 1994), pp. 113-30

Sieder, Rachel and John-Andrew McNeish (eds.), *Gender Justice and Legal Pluralities: Latin American and African Perspectives* (Oxford, 2013)

Sjoberg, Laura and Caron E. Gentry, *Mothers, Monsters, Whores: Women's Violence in Global Politics* (London, 2007)

Slegh, Henny et al., '"I can do women's work": reflections on engaging men as allies in women's economic empowerment in Rwanda', *Gender and Development*, 21:1 (2013), pp. 15-30

Smeulers, Alette, 'Female perpetrators: ordinary or extra-ordinary women?', *International Criminal Law Review*, 15 (2015), pp. 207-53

Sosnov, Maya, 'The adjudication of genocide: gacaca and the road to reconciliation in Rwanda', *Denver Journal of International Law and Policy*, 36:2 (2008), pp. 125-54

Sperling, Carrie, 'Mother of atrocities: Pauline Nyiramasuhuko's role in the Rwandan genocide', *Fordham Urban Law Journal*, 33:2 (2006), pp. 637-64

Stern, Erin et al., 'The doing and undoing of male household decision-making and economic authority in Rwanda and its implications for gender transformative programming', *Culture, Health & Sexuality*, 20:9 (2018), pp. 976-91

Straus, Scott and Lars Waldorf, 'Introduction: Seeing like a post-conflict state', in Scott Straus and Lars Waldorf (eds.), *Remaking Rwanda: State Building and Human Rights after Mass Violence* (Madison, WI, 2011), pp. 3-21

Straus, Scott, 'What is the relationship between hate radio and violence? Rethinking Rwanda's "radio machete"', *Politics & Society*, 35:4 (2007), pp. 609-37

Straus, Scott, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, NY, 2008)

Sylvester, Christine, 'Voice, silence, agency, confusion', in Jane L. Parpart and Swati Parashar (eds.), *Rethinking Silence, Voice and Agency in Contested Gendered Terrains* (London, 2018), pp. 16-26

Taylor, Christopher C., 'A gendered genocide: Tutsi women and Hutu extremists in the 1994 Rwanda genocide', *PoLAR: Political and Legal Anthropology Review*, 22:1 (1999), pp. 42-54

Theidon, Kimberly, 'Gender in transition: common sense, women, and war', *Journal of Human Rights*, 6:4 (2007), pp. 453-78

Thomson, Susan and Rosemary Nagy, 'Law, power and justice: what legalism fails to address in the functioning of Rwanda's *gacaca* courts', *The International Journal of Transitional Justice*, 5:1 (2011), pp. 11-30

Thomson, Susan, 'Agency as silence and muted voice: the problem-solving networks of unaccompanied young Somali refugee women in Eastleigh, Nairobi', *Conflict, Security & Development*, 13:5 (2013), pp. 589-609

Thomson, Susan, 'Engaged silences as political agency in post-genocide Rwanda: Jeanne's story', in Jane L. Parpart and Swati Parashar (eds.), *Rethinking Silence, Voice and Agency in Contested Gendered Terrains* (London, 2018), pp. 110-23

Thomson, Susan, 'The darker side of transitional justice: the power dynamics behind Rwanda's "gacaca" courts', *Africa: Journal of the International African Institute*, 81:3 (2011), pp. 373-90

Towner, Emil B., 'Transcripts of tragedy and truths: an analysis of Rwanda's genocide trial documents', *Atlantic Journal of Communication*, 23:5 (2015), pp. 284-97

Towner, Emil, 'Documenting genocide: the "record of confession, guilty plea, repentance and apology" in Rwanda's gacaca trials', *Technical Communication Quarterly*, 22:4 (2013), pp. 285-303

United States Agency for International Development, *An assessment of local resolution of land disputes in two pilot areas: Kabusshinge and Nyamugali cells, Rwanda* (2008), <https://pdf.usaid.gov/pdf_docs/PNADM807.pdf> (accessed 13.05.2020)

Uwineza, Peace and Elizabeth Pearson, 'Sustaining women's gains in Rwanda: the influence of indigenous culture and post-genocide politics', *Hunt Alternatives Fund: The Institute for Inclusive Security* (2009)

Van Houtte, J. et al., 'Litiges et besoins juridiques au Rwanda : une enquête préliminaire', *Revue Juridique du Rwanda,* 5 (1981), pp. 188-203

Vandersypen, Marijke, 'Femmes libres de Kigali', *Cahiers d'Études Africaines*, 17:65 (1977), pp. 95-120

Vansina, Jan, *Antecedents to Modern Rwanda: The Nyigimya Kingdom* (Madison, WI, 2004)

Venter, Christine M., 'Eliminating fear through recreating community in Rwanda: the role of the gacaca courts', *Texas Wesleyan Law Review,* 13:2 (2007), pp. 577-98

Vidal, Claudine, 'La commémoration du génocide au Rwanda: violence symbolique, mémorisation forcée et histoire officielle', *Cahiers d'études africaines,* 44:175 (2004), pp. 575-92

Vokes, Richard, *Ghosts of Kanungu: Fertility, Secrecy and Exchange in the Great Lakes of East Africa* (Suffolk, 2009)

Wagner, Michèle D., '«Culture of impunity?». Discretionary justice in Rwanda's history', *Revue française d'histoire d'outre-mer,* 86:324-325 (1999), pp. 99-123

Waldorf, Lars, 'Mass justice for mass atrocity: rethinking local justice as transitional justice', *Temple Law Review,* 79:1 (2006), pp. 1-88

Waldorf, Lars, 'Rwanda's failing experiment in restorative justice', in Dennis Sullivan and Larry Tift (eds.), *Handbook of Restorative Justice: A Global Perspective* (London, 2008), pp. 422-34

Warner, Michael, 'The mass public and the mass subject', in Craig Calhoun (ed.), *Habermas and the Public Sphere* (Cambridge, MA, 1992), pp. 377-401

Watkins, Sarah E. and Erin Jessee, 'Legacies of Kanjogera: women political elites and the transgression of gender norms in Rwanda', *Journal of Eastern African Studies,* 14:1 (2020), pp. 84-102

Watkins, Sarah E., '"Tomorrow she will reign": intimate power and the making of a queen mother in Rwanda, *c.*1800-1863', *Gender & History,* 29:1 (2017), pp. 124-40

Weinstein, Warren, 'Military continuities in the Rwanda state', in Ali A. Mazrui (ed.), *The Warrior Tradition in Modern Africa* (Leiden, 1977), pp. 48-66

Woody, Karen E. and Stemler, Abbey R., 'The role of women entrepreneurs in rebuilding a nation: the Rwandan model', *Minnesota Journal of International Law,* 28:2 (2019), pp. 367-400

Zeller, Wolfgang, 'Neither arbitrary not artificial: chiefs and the making of the Namibia-Zambia borderland', *Journal of Borderlands Studies*, 25:2 (2010), pp. 6-21

Zimudzi, Tapiwa B., 'African women, violent crime and the criminal law in colonial Zimbabwe, 1900-1952', *Journal of Southern African Studies*, 30:3 (2004), pp. 499-517

Avocats Sans Frontières, Unpublished Monthly *Observations des Juridictions Gacaca*

2005. Province d'Umutara: avril / 2005

2005. Province de Butare: avril 2005

2005. Province de la Ville de Kigali: avril / 2005

2005. Province de Gikongoro: mai 2005

2005. Province de Kibuye: mai 2005

2005. Ville de Kigali: mai 2005

2005. Province de Butare: juin 2005

2005. Ville de Kigali: juin 2005

2005. Province de Butare: juillet 2005

2005. Province de Kigali Ville: août 2005

2005. Province de Butare: septembre 2005

2005. Province de Gikongoro: septembre 2005

2005. Province de Gitarama: septembre 2005

2005. Province de Kigali Ngali: septembre / 2005

2005. Province de Butare: octobre 2005

2005. Province de Gisenyi: octobre 2005

2006. Ex-province d'Umutara: mai / 2006

2006. Ex-province de Gitarama: province du Sud: juillet 2006

2006. Province du Nord: ex province de Ruhengeri: juillet 2006

2006. Ville de Kigali: juillet 2006

2006. Province de l'Est: ex province de Kibungo: août 2006

2006. Province du Nord: ex province de Ruhengeri: août 2006

2006. Ville de Kigali: août 2006

2006. Province de l'Est: ex-province d'Umutara: septembre 2006

2006. Ville Kigali: octobre 2006

2006. Province du Sud: ancienne province de Gikongoro: novembre 2006

2006. Province du Sud: ancienne province de Gitarama: novembre 2006

2006. Province de l'Ouest: ancienne province de Kibuye: novembre 2006

2006. Province de l'Est: ancienne province de Kigali Ngali: novembre-décembre 2006

2006. Ville de Kigali: novembre 2006

2007. Actuelle province de l'Ouest: ex-province de Gisenyi: janvier 2007

2007. Province du Sud: ex-provinces de Gikongoro, Butare et Gitarama: janvier 2007

2007. Ville de Kigali et province de l'Est (ex-province de Kigali Ngali): janvier 2007

2007. Province de l'Ouest: ex province de Gisenyi: février 2007

2007. Province de l'Ouest: ex province de Kibuye: février 2007

2007. Ex-province de Cyangugu: actuelle province de l'Ouest: avril 2007

2007. Ex-province de Gitarama: province du Sud: avril 2007

2007. Ex-province de Gikongoro (province du Sud): mai 2007

2007. Province de l'Est (ex-province de Kibungo): district de Rwamagana (ex-ville de Rwamagana): mai 2007

2007. Ex-province de Gisenyi: actuelle province de l'Ouest: juin 2007

2007. Province du Sud: (ex-province de Gitarama): et province du Nord: (ex-province de Kigali-Ngali): juin 2007

2007. Province du Sud: ex-provinces de Gikongoro et Butare: juin 2007

2007. Ex-province de Gisenyi: actuelle province de l'Ouest: juillet 2007

2007. Province du Sud: ex province de Gikongoro: juillet- août 2007

2007. Actuelle province de l'Ouest: ex-province de Cyangugu: août 2007

2007. Actuelle province de l'Ouest: ex-province de Gisenyi: août 2007

2007. Ville de Kigali: septembre 2007

2007. Ex-province de Gisenyi: actuelle province de l'Ouest: octobre 2007

2007. Ex-province de Gitarama: province du Sud: octobre 2007

2007. Province de l'Est: ex province de Kibungo: octobre 2007

2007. Ex province de Kibungo: actuelle province de l'Est: novembre 2007

2007. Ex-province de Gitarama: actuelle province du Sud et Ville de Kigali: novembre 2007

2007. Province du Sud: anciennes provinces de Butare et Gikongoro: novembre 2007

2007. Province de l'Ouest: ex-province de Gisenyi: décembre 2007

2008. Ex-province de Cyangugu: actuelle province de l'Ouest: mars-avril 2008

2008. Ex-province d'Umutara: province de l'Est: mai 2008

2008. Ex-province de Gitarama et Ville de Kigali: mai 2008

2008. Ex-province de Gitarama: actuelle province du Sud: juin 2008

2008. Ex province de Butare: actuelle province du Sud: septembre 2008

2008. Ex province de Butare: actuelle province du Sud: septembre – octobre 2008

2008. Ancienne province de Butare: actuelle province du Sud: novembre 2008

2009. Province de l'Ouest: ex-province de Gisenyi: novembre et décembre/2009